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COMPLEAT COLLECTION

OF THE

PROTESTS

OF THE

K Great Britain Lords, House of

LORDS

During this last Sessions of PARLIAMENT.



LONDON:
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bb 26

BRITISH MUSEUM

THE LORDS Proteſts, &c.

Their LORDSHIPS PROTEST on rejecting the Words, *The beſt Methods of Preventing the like Debt for the future*, out of the Queſtion *how ſo large a Navy-Debt came to be contracted.*

Die Lunæ 13° *Novembris*, 1721.

THE Houſe (according to Order) proceeded to take into Conſideration His Majeſty's moſt Gracious Speech from the Throne: And the ſame being read.

A Motion was made that this Houſe do, on *Friday* next, take into Conſideration the Cauſes of Contracting ſo large a Navy-Debt, and the beſt Methods of preventing the Contracting the like Debt for the future.

And a Queſtion being Stated thereupon.

It was Propoſed to leave out theſe Words, *viz. And the beſt Methods of Preventing the Contracting the like Debt for the future.*

Content 22.
Not Content 64.

Then the Queſtion was put, Whether the ſaid Words ſhall ſtand Part of the Queſtion? It was Reſolved in the Negative.

Diſſentient.

1. BECAUSE the principal Ends of all Parliamentary Inquiries into Miſmanagements, being to prevent the like for the future, We thought it more agreeable to the Candour, and Honour of the Houſe, to expreſs it plainly in the Queſtion itſelf, than leave it to be implied only, and the rather, becauſe it ſeemed to us, the Words left out clearly Imported, that nothing Perſonal was in view; but the Publick Good only, which, we thought,

would rather have given Satisfaction to the Mind of every Noble Lord, than the contrary.

II. When the Words now Order'd to be left out, were, for the Reaſon given ſo properly and naturally, as We conceive, made a Part of the Queſtion, We could not but apprehend that the laying them aſide, on the Debate, might create a Suſpicion, tho' unjuſt, that this Houſe did not intend to prevent, if poſſible, the contracting a large, and Inconvenient Navy-Debt for the future.

III. His Majeſty having in his Speech from the Throne, Obſerved, The ill Conſequences that ariſe from ſuch a large Debt, remaining unprovided for; We thought it very proper, if not neceſſary, in the Reſolution taken, to enter into the Conſideration of that Debt, to expreſs a Deſire of preventing the like Inconvenient Debt being contracted for the future; and, that the doing ſo, did not prejudge the Cauſes of Contracting the preſent Great Navy-Debt; for, however neceſſarily, or juſtifiably, and inconvenient Thing may have once happen'd, yet, We think, it ought, if it can be prevented, from happening ſo again.

IV. His Majeſty having likewiſe Obſerved in his Speech from the Throne, That this Part of the National Debt, is, of all others, the moſt heavy, and burthenſome; and having ſet forth the Miſchiefs ariſing from the high Diſcount on the Navy, and Victualling Bills, We thought ourſelves ſufficiently Warranted to expreſs a Deſire to conſider of the beſt Methods of preventing the like moſt heavy and burthenſome Debt, whatever the Cauſes of Contracting the preſent Debt ſhall, on enquiry, appear to be: And this the rather, becauſe the like Navy-Debt can bring no manner of Benefit either to the Publick, or to any private Perſon, but to ſuch as by fore-ſeeing when it is to be either diſcharged, or provided for, may make an exceſſive Advantage to themſelves, by buying up the ſaid Bills, while under a very high Diſcount.

W. Ebor.	*Aberdeen,*	*Aylesford,*	*North* and *Grey,*
F. Roſſen,	*Briſtol,*	*Bathurſt,*	*Boyle,*
Wharton,	*Salisbury,*	*Bingley,*	*Aſhburnham,*
Scarſdale,	*Cowper,*	*Guilford,*	*Trevor.*
Strafford,			

Their LORDSHIPS PROTEST *on rejecting the Queſtion to Addreſs his Majeſty, to have Lord* CARTERET'S *Inſtructions to the Court of* Sweden, *&c. Laid before the Houſe.*

Die Mercurii 15° *Novembris,* 1721.

The Houſe, according to Order, proceeded to take into further Conſideration, His Majeſty's moſt Gracious Speech from the Throne. After Debate, the Queſtion was put, That an humble Addreſs be preſented to His Majeſty, that he will be graciouſly pleaſed to give Orders, that the Inſtructions given by His Majeſty to the Lord *Carteret*, as Miniſter, or Plenipotentiary to the Crown of *Sweden*, or any other of the *Nothern* Crowns, may be laid before this Houſe?

It was Reſolved in the Negative.

Diſſentient.

I. BECAUSE we apprehend this to be the firſt Inſtance to be found on our Journals, where Lords have moved for a ſight of Inſtructions, of any kind, and have not been ſupported by the Houſe in that Motion, and tho' we wiſh it may be the laſt, yet we

we have juſt Reaſon to fear that ſuch a Preſident, once made, will not fail of being followed in ſucceeding Times.

II. Becauſe we do not apprehend how the calling for Inſtructions, after the Concluſion of the Treaty to which they relate; and the Intervention of a General Act of Pardon, can be hurtful either to the Publick, or even to the Miniſters tranſacting ſuch Treaty; but the refuſing to call for thoſe Inſtructions, may in our Opinion, be a Matter of a dangerous Conſequence, in as much as it tends to diſcourage Enquiries of this kind for the future, and by that Means to embolden, and skreen the Guilty Miniſters hereafter,

III. Becauſe, tho' we acknowledge the Right of Peace and War to be in the Crown, yet we muſt be of Opinion, that this Houſe hath alſo a Right to enquire into the Tranſactions of Miniſters, employ'd under the Crown, and to Cenſure their Conduct, when Juſtice requires it, which cannot well be done, unleſs it be firſt known what ſort of Inſtructions they received, and how far they have, or ought to have comply'd with them: And this ſeems to us more particularly Neceſſary, ſince the Act of Succeſſion has declared, That this Kingdom ſhall not be engaged in a War, on Account of any of the King's Foreign Dominions: All Treaties therefore with Princes in the *North*, ſhould, above all Others, be made in the plaineſt, and moſt unexceptionable Terms; or if the way of Wording ſuch Treaties ſhall occaſion any Doubt, no Method of clearing it ſhall be neglected, or avoided, that ſo this Houſe and the whole Kingdom may be ſatisfied, that nothing has paſſed derogatory to that Act, which is the Baſis on which our preſent Happy Eſtabliſhment is founded.

W. Ebor.	*Cowper,*	*Strafford,*	*Aberdeen,*
Wharton,	*Uxbridge,*	*Scarſdale,*	*Bathruſt,*
North and *Grey.*	*Boyle,*	*Aylesford,*	*F. Roſſen.*
Guilford,	*Bingley,*	*Briſtol,*	

Their LORDSHIPS PROTEST *on rejecting the Motion to Addreſs His Majeſty, to have the renewed Treaty of Commerce with* Spain *laid before the Houſe.*

Die Luniæ 20° *Novembris*, 1721.

The Houſe (according to Order) proceeded to take into further Conſideration His Majeſty's moſt Gracious Speech from the Throne, And after a Debate,

The Queſtion was put, That an Humble Addreſs be Preſented to his Majeſty, to deſire that his Majeſty will be graciouſly pleaſed to give Orders, That the Treaty of Commerce, whereby the former Treaties of Commerce are renewed with *Spain*, may be laid before this Houſe?

Content 22.
Not Content 59.

It was Reſolved in the Negative.

Diſſentient.

BECAUSE, as we believe, the refuſing to Addreſs for a Treaty, which has been Concluded and Ratified ſo long ſince, is altogether unprecedented; and we conceive this Caſe, of all others, ought not to have been made a Precedent, where the Treaty deſired

desired to be called for hath been twice mentioned from the Throne, to both Houses of Parliament; and the last Time in his Majesty's Speech at the opening of this Session, expressly (as we cannot but apprehend) Recommended to the Consideration of both Houses of Parliament.

W. Ebor.	*Strafford,*	*Cowper,*	*Bingley,*
Era. Roffen,	*Aberdeen,*	*North* and *Grey,*	*St. John de Bletso,*
F. Ceſtriens,	*Aylesford,*	*Guilford,*	*Bathurſt.*
Wharton,	*Briſtol,*	*Boyle,*	

Their LORDSHIPS PROTEST *on rejecting the Previous Queſtions, relating to the too great Number of Sea-men, that were kept in Pay.*

Die Martis 5° *Decembris*, 1721.

A motion was made, That the employing great Numbers of Seamen for ſeveral Years laſt paſt, more than were provided for by Parliament, was one great Cauſe of Contracting ſo large a Navy-Debt, and of increaſing the ſame, from the Sum of 764,088*l.* 3*s.* 11*d.* which was the Neat Debt of the Navy, on the 31ſt of *December*, 1717. to the Sum of 1641937*l.* 17*s.* 8*d.* $\frac{3}{4}$ which was the Neat Debt of the Navy on the 30th of *September* laſt:

And a Queſtion being ſtated thereupon, the Previous Queſtion was put, Whether the ſaid Queſtion ſhall be now put?

Content 21
Not Content 60

It was Reſolved in the Negative.

Diſſentient.

BECAUSE the Main Queſtion being ſo True in every Particular, that as we could obſerve, the Truth thereof was not deny'd by any Lord in the Debates, but ſeems to Us, to be admitted by the propoſing and carrying the Previous Queſtion, We think it highly expedient, That the Main Queſtion, ſhould have been put and Voted in the Affirmative, to the End we might have expreſſed our Diſapprobation, at leaſt, of the Practice of imploying much greater Numbers of Sea-men in the Fleet, for ſeveral Years laſt paſt, than were provided for by Parliament (when the Occaſions for employing them, could not, in our Opinion, but be fore-ſeen) and by ſuch, our Diſapprobation might have diſcouraged, in ſome meaſure, that Practice for the future, and prevented the increaſing the Navy-Debt again, by the like Proceedings.

Strafford.	*Cowper,*	*Guilford,*
Trevor,	*Baturſt,*	*Foley,*
Litchfield,	*Aylesford,*	*Briſtol,*
F. Roffen,	*St. John de Bletſoe,*	*North* and *Grey.*
Gower,		

Three Clauſes in the Quarintine-Act, VII GEORGII.

AND *be it further Enacted, That if any* Perſon Infected with the Plague, *or obliged to perform Quarentine, ſhall wilfully refuſe or neglect to repair within convenient time, after due Notice for that Purpoſe given to him, her, or them, by the proper Officer, to the Ship, Houſe, Lazaret, or other Place duly appointed for him, her, or them; or having been placed in ſuch Ship, Houſe, Lazaret, or other Place, ſhall eſcape, or attempt to eſcape out of the ſame, whilſt he, ſhe, or they ſhall continue infected, or before Quarentine fully performed reſpectively; It ſhall and may be lawful to and for the Watchmen and other Perſons, appointed to ſee Quarentine performed, by* any kind of Violence *that the Caſe ſhall require, to compel every ſuch Perſon ſo refuſing or neglecting, as aforeſaid, and every ſuch Perſon ſo eſcaping, or attempiing to eſcape, as aforeſaid, to repair or return into ſuch Ship, Houſe, Lazaret, or other Place, ſo appointed for him, or her, as aforeſaid; and every ſuch Perſon ſo refuſing or neglecting to repair within convenient time after ſuch Notice, as aforeſaid, into ſuch Ship, Houſe, Lazaret, or other Place appointed for him, or her, as aforeſaid, and alſo every Perſon actually eſcaping, as aforeſaid, ſhall be adjudged Guilty of* Felony, *and ſhall ſuffer* Death *as a* Felon *without* Benefit of Clergy.

And be it further Enacted, That if any Perſon *not infected, nor liable to perform Quarentine, ſhall preſume to enter any Ship, Houſe, Lazaret, or other Place ſo appointed, as aforeſaid, whilſt any Perſon or Perſons ſo infected, or being under Quarentine, ſhall be therein, and ſhall return, or attempt to return from thence, unleſs in ſuch Caſes, and by ſuch proper Licence, as ſhall be directed or permitted by ſuch Order or Orders, made or to be made and notified, as aforeſaid, It ſhall and may be lawful to and for the Watchmen, or other Perſons appointed to guard or ſecure ſuch Ship, Houſe, Lazaret, or other Place, ſo appointed, as aforeſaid, by* any kind of Violence *that the Caſe ſhall require, to compel ſuch Perſons, ſo returning, or attempting to return, to repair into ſome Ship, Houſe, Lazaret, or other Place, ſo appointed, as aforeſaid, there to continue and perform Quarentine; and in caſe ſuch Perſon ſhall actually eſcape out of ſuch Ship, Houſe, Lazaret, or other Place, where he, or ſhe ſhall be ſo placed for Performance of Quarentine, before he or ſhe ſhall have fully performed the ſame, he or ſhe ſhall be adjudged Guilty of* Felony, *and ſhall ſuffer* Death *as a* Felon *without* Benefit of Clergy.

And be it further Enacted by the Authority aforeſaid, That if at any time or times hereafter any City, Town, *or* Place *within* Great Britain, *or* Ireland, *ſhall be infected with the Plague, it ſhall and may be lawful to and for His Majeſty, His Heirs and Succeſſors, to cauſe* one or more Line, or Lines, Trench or Trenches, *to be caſt up or made about ſuch infected City, Town or Place, at a convenient Diſtance from the ſame, in Order to cut off the Communication between ſuch infected City, Town, or Place, and the Reſt of the Country, and to prihibit all* Perſons, Goods, *and* Merchandizes whatſoever,

whatſoever, *to enter, paſs, or be carried over ſuch Lines or Trenches, unleſs in ſuch Caſes, and by ſuch proper Licence, and ſubject to ſuch Regulations and Reſtrictions for Performance of Quarentine, as ſhall be directed or permitted by any ſuch Order or Orders made or to be made and notified, as aforeſaid; and in Caſe any Perſon or Perſons, being within ſuch Lines or Trenches, or any of them, ſhall, during the time of ſuch infection, preſume to attempt to come out of the ſame, unleſs in ſuch Caſes, and by ſuch proper Licence, and ſubject to ſuch Regulations and Reſtrictions for Performance of Quarentine, as ſhall be directed or permitted by ſuch Order or Orders, made or to be made and notified, as aforeſaid; It ſhall and may be lawful to and for the Watchmen, or Perſons appointed to guard or ſecure ſuch Lines or Trenches, or any of them, by* any kind of Violence *that the Caſe ſhall require, to compel all and every ſuch* Perſon *and* Perſons *to return back within ſuch Lines or Trenches; and in Caſe any Perſon ſhall actually come out of ſuch Lines or Trenches, or any of them (unles in ſuch Caſes, and by ſuch proper Licence, and ſubject to ſuch Regulations and Reſtrictions as aforeſaid) every ſuch* Perſon *ſhall be adjudged Guilty of* Felony, *and ſuffer* Death *as a* Felon *without* Benefit of Clergy.

The Petition of the City of London *to the Houſe of* Lords.

Die Mercurii 6o Decembris, 1721.

A PETITION of the Lord Mayor, Aldermen, and Commons of the City of *London* in Common-Council aſſembled, was preſented to the Houſe and read, ſetting forth, That it appearing by the Inſpection of the Journal of this Houſe, that their Lordſhips have now under Conſideration, the Amendment of an Act paſs'd in a late Seſſion of Parliament, Entituled, [*An Act for repealing an Act made in the Ninth Year of the Reign of Her late Majeſty Queen* ANNE Entituled, *An Act to oblige Ships coming from Places Infected, more effectually to perform their Quarentine, and for the better preventing the Plague being brought from Foreign Parts into* Great Britain *or* Ireland, *or the Iſles of* Guernſey, Jerſey, Alderneſs, Sark *or* Man, *and to hinder the ſpreading of Infection:*] That the Petitioners conceive, that in ſome Clauſes of that Act, not only the Rights, Privileges, and Immunities, but the Trade, Safety, and Proſperity of the City of *London* are highly concerned; and praying, that they may be heard by their Counſel, or otherwiſe, in relation to the ſaid Act, at ſuch Time, and in ſuch Manner, as their Lordſhips ſhall judge moſt proper and expedient.

And a Motion being made, That the ſaid Petition be rejected. After Debate, The Queſtion was put, Whether the ſaid Petition ſhall be rejected?

It was reſolved in the Affirmative.

Their Lordships Protest *on rejecting the ſaid Petition.*

Diſſentient.

1. BECAUSE the Liberty of petitioning the King (much more that of petitioning either Houſe of Parliament) is the Birth-right of the Free-People of this Realm, claim'd by them, and confirm'd to them ſoon after the Revolution, in an Act

Act, *Declaring the Rights and Liberties of the Subject, and ſettling the Succeſſion of the Crown*; and whenever any remarkable Check hath been given to the free Exerciſe of this Right, it hath always been attended with ill Conſequences to the Publick.

II. Becauſe, the Petition ſo rejected, was, in our Opinion, every way proper and unexceptionable, both as to the Manner of Wording and Preſenting it, and the Matter to which it referred: Nothing being more natural and reaſonable than that any Corporate Body ſhould, if they deſire it, be heard, upon any Bill under the Conſideration of Parliament: Whereby they judge their particular Intereſts to be highly, tho' not ſolely affected. This Liberty, we remember to have been granted, in a late Seſſion, to the Traders of *Norwich*, upon their Petition touching the Callico-Bill; nor are we aware, That it hath ever, in like Circumſtances, been refuſed to the meaneſt Corporation in the Kingdom: But if it had, we humbly conceive, that in this Caſe, a Diſtinction might have been made in Favour of the City of *London*, which being the Center of Credit, of the Trade and money'd Intereſt of the Kingdom; and the Place where the *Plague*, ſhould we be viſited by it, is moſt likely firſt to appear; and having alſo remarkably ſuffered by Means of the late fatal *South-Sea*-Scheme, was, we think, in a particular Manner, entitled to apply for Relief againſt ſome Clauſes in the Quarentine Act, and deſerv'd to have been treated, on that Occaſion, with more Indulgence and Tenderneſs.

III. Becauſe the rejecting the ſaid Petition tends, we conceive, to diſcountenance all Petitions for the future, in Caſes of a publick and general Concern, and, by that Means, to deprive the Legiſlature of proper Lights, which they might otherwiſe receive, it being no ways probable, that Subjects or Societies of leſs Conſideration, will venture to repreſent their Senſe in Caſes of like Nature, after the City of *London*, have been thus refuſed to be heard.

IV. Becauſe, as the receiving this Petition could have no ill Conſequences, as we conceive, nor have given any great Interruption to the Buſineſs of Parliament: So the rejecting it, may, we think, widen the unhappy Differences that have ariſen, and increaſe the Diſſaffection to the Government, which hath already too much prevailed in this Kingdom.

V. Becauſe the Arguments uſed on the Debate, ſeem to Us, not to be of ſufficient Force; for we cannot conceive, That becauſe the ſaid Act of Quarentine is a general Act, therefore no particular Community, or City, who think they may, in a diſtinguiſhing Manner, be prejudiced by it, have a Right to be heard in Relation to it; and that at a time when it is under the Conſideration of Parliament: Nor can we be of Opinion, That a Petition agreed on by the Lord Mayor, Aldermen, and Citizens of *London*, in Common Council aſſembled, and preſented not even by the Numbers allow'd by Law, but by a Lord of this Houſe, can poſſibly be a Prelude or Example towards introducing *tumultuous Petitions*? Much leſs can we ſee, why it ought the rather to be rejected, becauſe it came from ſo great a Body as the City of *London*; on the contrary, we apprehend that an univerſal Grievance which may be occaſioned by any General Act, muſt be repreſented to the Legiſlature by particular Perſons, or Bodies Corporate, or elſe it cannot be repreſented at all. That the rejecting ſuch Petitions, and not the receiving them, is, the way to occaſion Diſorders and Tumults; and that the more conſiderable the Body is, the more Regard ſhould be had to any Applications

they make, eſpecially for Matters wherein, not only the Rights, Privileges and Immunities, but alſo their Trade, Safety, and Proſperity are, as the Petition avers, highly concerned.

F. Ceſtriens,	*Boyle,*	*Aylesford,*	*North* and *Grey,*
F. Roſſen,	*Litchfield,*	*Bathurſt,*	*Gower.*
Briſtol,	*Trevor,*	*Strafford,*	
St. *John de Bletſoe,*	*Bingley,*	*Uxbridge,*	
Aberdeen,	*Guilford,*	*Cowper,*	

Die Mercurii 130 *Decembris* 1721.

A Motion was made, and the Queſtion being put, That a Bill be brought in for the Repeal of ſo much of the Act paſſed in the 7th Year of the Reign of his preſent Majeſty, entitled, An Act for repealing an Act made in the Ninth Year of her late Majeſty Queen *ANNE*, entitled, *An Act to oblige Ships coming from Places infected, more effectually to perform their Quarentine, and for the better preventing the* Plague *being brought from Foreign Parts into* Great Britain *and* Ireland, *or the Iſles of* Guernſey, Jerſey, Alderney, Sark, *or* Man, *and to hinder the ſpreading of Infection*; as gives Power to remove to a Lazaret, or Peſt-Houſe, any Perſons whatſoever, infected with the *Plague*; or healthy Perſons out of an infected Family, from their Habitations, tho' diſtant from any other Dwelling-Houſe; and alſo ſo much of the ſaid Act, which gives Power for the drawing Lines, or Trenches round any City, Town, or Place ſo infected,

Content 20. It was reſolved in the Negative,

Not Content 39

Diſſentient.

I. BECAUSE the Powers ſpecified in the Queſtion, ſeem to us, ſuch as can never wiſely, or uſually be put in Execution: For, by the firſt of them, Perſons of what Rank or Condition ſoever, either actually infected, or being in the ſame Habitation, tho' in Lone Houſes, where they are well accommodated, and from whence there is no Danger of propagating the Infection, may be forcibly removed into common Lazarets or Peſt-Houſes; and it does not appear to us, that ſuch a Power could at any time, be reaſonably executed, and therefore we conceive it ſhould be repealed.

The other Power extends to the drawing of Lines round any City, Town, or Place; and conſequently round the Cities of *London* and *Weſtminſter*; the very Apprehenſion of which, upon the leaſt Rumour of a *Plague*, would diſperſe the Rich, and by that Means (as well as by hindring the free Acceſs of Proviſions) ſtarve the Poor, ruin Trade, and deſtroy all the Remains of publick and private Credit.

II. Becauſe ſuch Powers as theſe, are utterly unknown to our Conſtitution, and repugnant, (we conceive) to the Lenity of our mild and free Government, a tender Regard to which, was ſhewn by the Act of *Jacobi Primi*, which took care only to confine infected Perſons within their own Houſes, and to ſupport them under that Confinement, and lodge the Execution of ſuch Powers ſolely in the Civil Magiſtrate; whereas the Powers, by us, excepted againſt, as they are of more extraordinary kind, ſo they will probably, and ſome of them muſt neceſſarily be executed by Military Force; and the violent and inhuman Methods, which, on theſe Occaſions,

may

may (as we apprehend) be practiced, will, we fear, rather draw down the Infliction of a new Judgment from Heaven, than contribute any ways to remove that which ſhall then have befallen us.

III. Becauſe (we take it) theſe Methods were copied from *France*, a Kingdom, whoſe Pattern, in ſuch Caſes, *Great Britain* ſhould not follow; the Government there, being conducted by Arbitrary Power, and ſupported by ſtanding Armies; and to ſuch Country, ſuch Methods do, in our Opinion, ſeem moſt ſuitable: And yet, even in that Kingdom, the Powers thus exerciſed of late, have been as unſucceſsful as they were unpreſidented, ſo that no neighbouring State hath any Encouragement from thence, to follow ſo fatal an Example.

In the laſt *Plague*, with which we were viſited, *Anno Domini* 1665; tho' none of theſe Methods were made uſe of, much leſs authorized by Parliament, yet the Infection, however great, was kept from ſpreading it ſelf into the remote Parts of the Kingdom; nor did the City of *London*, where it firſt appeared, and chiefly raged, ſuffer ſo long, or ſo much, in Proportion to the Number of its Inhabitants, as other Cities and Towns in *France* have ſuffered, where theſe cruel Experiments have been tried.

IV. Becauſe, had ſuch a part of the Act, as we think ſhould be repealed, been accordingly repealed, there would ſtill have remained in it, a general Clauſe, which gives the Crown all Powers neceſſary to prevent the ſpreading of Infection, and conſequently theſe very Powers, among the reſt, if they ſhould be found neceſſary; and therefore there is no need (as we conceive) to have them expreſly granted in the ſame Act of Parliament, which ſeems not only to warrant, but in a particular Manner to preſcribe, and direct the uſe of them.

V. Becauſe the great Argument urged for continuing theſe Powers ſpecified in the Queſtion, that they ſhould probably never be put in Execution, in the Caſes objected to, ſeems to us a clear Reaſon why they ſhould not be continued; for we cannot imagine, why they ſhould ſtand enacted, unleſs they are intended to be executed: or of what uſe it will be to the Publick, to keep the Minds of the People perpetually alarm'd with thoſe Apprehenſions under which they now labour, as appears by the Petition from the City of *London* lately rejected.

It may be an Inſtance of our great Confidence in his Majeſty's Wiſdom and Goodneſs, when we truſt him with ſuch Powers unknown to the Conſtitution: But we think it ill becomes us, to repoſe ſuch Truſt when it tends, in our Opinion, rather to render him terrible, than amiable to his Subjects; and when the only Advantage he can (as we conceive) draw from the Truſt repoſed in him, is not to make uſe of it.

W. Ebor,	*Trevor,*	*North* and *Grey,*	*Uxbridge,*
F. Ceſtriens,	*Gower,*	*Coningsby,*	*Briſtol,*
F. Roſſen,	*Aberdeen,*	*Aylesford.*	*Weſton,*
Strafford,	St. *John de Bletſoe,*	*Boyle,*	*Guilford,*
Bingley,	*Bathurſt.*	*Foley,*	*Cowper.*

Their LORDSHIPS PROTEST *on rejecting the Queſtion to Addreſs his Majeſty to have Lord* Torrington's *Inſtructions relating to the Action againſt the* Spaniſh *Fleet in the* Mediterranean, *laid before the Houſe.*

Die Martis 19° *Decembris* 1721.

The Order of the Day being read, for the taking into further Conſideration his Majeſty's moſt gracious Speech from the Throne.

A Motion was made, and the Queſtion being put, That an humble Addreſs be preſented to his Majeſty to deſire that his Majeſty would be graciouſly pleaſed to give Orders to the proper Officers, That the Inſtructions given to Sir *George Byng*, now Lord Viſcount *Torrington*, in Relation to the Action againſt the *Spaniſh* Fleet in the *Mediterranean*, may be laid before this Houſe?

Content 24.
Not content 67.

And a Queſtion being ſtated thereupon, it was reſolved in the Negative.

Diſſentient.

I. BECAUSE not finding any Inſtance, on ſearching of the Journals, we believe there is none wherein a Motion for Admirals Inſtructions to be laid before this Houſe has been denied; but on the contrary, there are many Precedents of Inſtructions of a like Nature, and in ſtronger Caſes, as we conceive, addreſs'd for by the Houſe, and ſeveral in Point for Inſtructions given to Admirals, particularly to Sir *George Rooke*, and Sir *Cloudeſly Shovel*; nor does it ſeem to us at all material, whether the Conduct of ſuch Admirals had, or had not, been blamed before ſuch Inſtructions were ask'd for, ſince the Sight of Inſtructions may be previouſly and abſolutely neceſſary to inform the Houſe, whether their Conduct be blameable, or not.

II. Becauſe we think it highly reaſonable, that theſe Inſtructions ſhould be laid before this Houſe, upon which the Action of the *Britiſh*, againſt the *Spaniſh* Fleet in the *Mediterranean* was founded, without any previous Declaration of War; an even, whilſt a *Britiſh* Miniſter, a Secretary of State, was amicably treating at *Madrid*, which Court might juſtly conclude it ſelf ſecure from any hoſtile Attack, during the Continuance of ſuch Negotiation.

III. Becauſe, 'till we have a Sight of theſe Inſtructions, and are able to judge of the Reaſons on which they were founded, the War with *Spain*, in which that Action of our Fleet involved us, does not appear to us ſo juſtifiable as we could wiſh; and yet it was plainly prejudicial to the Nation in ſundry Reſpects; for it occaſioned an entire Interruption of our moſt valuable Commerce with *Spain*, at a Time, when *Great Britain* needed all the Advantages of Peace, to extricate it ſelf from the heavy National Debt it lay under; and as it depriv'd us of the Friendſhip of *Spain*, not eaſily to be retrieved, ſo it gave our Rivals in Trade an Opportunity, to inſinuate themſelves in their Affections: And we conceive, that to that War alone, is owing the ſtrict Union there is at preſent between the Crowns of *France* and *Spain*, which it was the Intereſt of *Great Britain* to have kept always divided:

An

An Union, which, in its Conſequences, may prove fatal to theſe Kingdoms, Nor does it appear, that *Great Britain* had any Fruit from this War, beyond its being reſtored to the ſame Trade we had with *Spain*, before we begun it.

W. Ebor,	*Aberdeen*,	*Scarſdale*,	*Bathurſt*,
Aylesford,	*Boyle*,	*Gower*,	*Foley*,
Weſton,	*Strafford*,	*Cowper*,	*Fr. Ceſtrien*,
St. *John de Bletſoe*,	*Guilford*,	*North* and *Grey*,	*Trevor*,
Compton,	*Uxbridge*,	*Briſtol*,	

From the *London Gazette*, *Sept.* 27. 1718.

Eſcurial, *Sept.* 11.

ON the Eighth of *Auguſt*, towards Night, the *Engliſh* Squadron appear'd at the Iſland of *Stromboli*; and the Marquis *de Lede* having the next Day ſent an Officer of the Marine, on Board Admiral *Byng*, who was at Anchor at *Cape Moatelli*, to learn the Motive of his coming; he anſwered to that Enquiry, That he had written a Letter, and appointed a Perſon to carry it, and that he came only as a Friend and Mediator of Peace.

The Letter was delivered into the Hands of the Marquis *de Lede*, and was in the ſame Terms as that which he wrote near *Cadiz*, and which was delivered to the King, by Mr. *Stanhope*, notifying his Arrival, and his Maſter's Orders to employ Force of Arms, in Caſe his Majeſty did not deſiſt from his Enterprizes on *Italy*: Only in this laſt Letter, written to the Marquis *de Lede*, there was this Variation, that inſtead of naming the Dominions of the Arch-Duke, he mentioned the Kingdom of *Sicily*, as a Part comprehended in the Neutrality of *Italy*. The Perſon, who in the Name of Admiral *Byng* conferr'd with the Marquis *de Lede*, made very preſſing Inſtances, that all Operations of War might immediately ceaſe, and a Suſpenſion of Arms be ſpeedily concluded. And it being anſwered on our Part, that this could not be done without having the neceſſary Orders firſt from Court, the *Engliſhman* was diſmiſs'd to return on Board; but before he went, the Marquis *de Lede* reproach'd him with the convoying of fourteen Tartanes, having *German* Infantry in them from *Naples*: This he excuſed, ſaying, That thoſe Tartanes were met near the Coaſt of *Sicily*, and that his Chief had judg'd, it would not be proper to hinder their Paſſage, ſeeing they were bound for *Bajoles* in *Calabria*, whither indeed they actually went. On this Occaſion he confirm'd, That his General was not come to declare War, but only as a Mediator of Peace, and that he would not commit any Hoſtility.

Admiral *Byng* being told the Anſwer and Sentiments of the Marquis *de Lede*, ſent the Conſul of his Nation, reſiding in *Meſſina*, to acquaint the Marquis, that within eight Days, he would return with his Squadron into that Neighbourhood, and then he hop'd they ſhould eat a Soup together, ſeeing by that Time, the Marquis might receive Orders for an entire Concluſion of Peace.

On the 10th he enter'd the *Faro*, with his whole Squadron, ſtanding to the Southward, our Fleet being gone the ſame Courſe before: He held on his way 'till he came into the Height of *Syracuſa*; and on the 11th coming up with the Rear-Guard of the Marquis *Mari*, he committed downright Hoſtility, and all the Acti-

on;

ons of open War. And tho' the King cannot perſuade himſelf, that this Proceeding, (in which, Breach of Faith has ſo great a Share) is the Act of the *Engliſh* Nation: *Yet no Body is ignorant that it is the Effect of the artful Projects of the Miniſtry at* London, *who are capable of attempting the greateſt Wickedneſs, to bring about their Deſigns; which are no leſs pernicious, than fatal to common Liberty.*

Their LORDSHIPS PROTEST *againſt the Act for puniſhing Mutiny and Deſertion.*

Die Jovis 21° Decembris, 1721.

Hodie 3 vice lecta eſt Bilt. An Act for puniſhing Mutiny and Deſertion, and for the better Payment of the Army and their Quarters. The Queſtion being put, Whether this Bill ſhall paſs?

It was reſolved in the Affirmative.

Diſſentient.

I. BECAUSE we have heard no Arguments to convince us, that there is any Neceſſity for a greater number of Troops being kept on Foot at this time, than there was after the Peace of *Reſwick*, or the Peace of *Utrecht*, for as the Arguments urged from the preſent Diſſaffection of the People, we are fully perſuaded, That the keeping up ſo great an Army, is much more likely to encreaſe than to leſſen ſuch Diſſaffection.

II. Becauſe this Precedent is likely to be followed in all ſubſequent Times, there being no Probability, that a Conjuncture can happen when there will be leſs apparent Reaſon for keeping up a great Number of Forces, than at this Time, of General Tranquility.

III. Becauſe we conceive, there are ſeveral Clauſes in this Bill, which tend to overthrow the Civil Power in this Kingdom, and turn it into a Military Government. And we apprehend it to be our Duty to take care, that ſo dangerous a Precedent may not be made for any future Time, without an evident Neceſſity, and it is plain, there is no ſuch Neceſſity for erecting this Military Power within the Kingdom in time of Peace, becauſe the Army was well governed without it, in the two former Reigns.

IV. That allowing ſuch a Number of Troops were neceſſary, yet there is no Reaſon can be alledg'd, as we apprehend, that they ſhould be conſtituted in this expenſive Manner, which raiſes the Charge upon the Nation about double what it was in Time of Peace, in the two former Reigns, and we muſt with great Concern aſſert, that the Publick is much leſs able to bear ſuch an Exceſs at the preſent, than at any former Times.

W. Ebor,	*Guilford,*	*Foley,*	*Strafford,*
F. Roffen,	*Bathurſt,*	*Boyle,*	*Scarſdale,*
F. Ceſtrien,	*Tadcaſter,*	*Uxbridge,*	*Trevor.*
Aberdeen,	*North* and *Grey,*	*Briſtol,*	

Their

Their LORDSHIPS PROTEST, *on rejecting a previous Queſtion, relating to the Non-Payment of his Majeſty's Ships, as they return from their Voyages.*

Die Sabbat. 13o. *Januarij*, 1721.

A Motion was made, that the not paying off his Majeſty's Ships, when they come home from their ſeveral Voyages, according to the antient Uſage of the Navy, but continuing them in Sea-Pay, during the Winter, 'till they went out again, has been one great Cauſe of contracting ſo large a Navy-Debt, and a Queſtion being ſtated thereupon, the previous Queſtion was put, Whether that Queſtion ſhall be now put?

It was reſolved in the Negative.

Diſſentient.

I. BECAUSE we conceive the main Queſtion ought to have been put, ſince the Practice complained of in it having been from the Year 1690, very frequently repreſented againſt, to the Admiralty and Treaſury, by the Commiſſioners of the Navy (the proper Officers to give Advice in ſuch Matters) and who then were Men of great Experience, Ability, and Probity, for being contrary to the antient Uſage of the Navy, giving great Diſguſt to the Seamen, and cauſing an unneceſſary Expence of the publick Money, we thought it highly reaſonable to endeavour, that a Stop ſhould be put to this Method, which was attended with ſo many fatal Conſequences: And we cannot but think, the putting and voting the main Queſtion in the Affirmative, would have greatly conduc'd to that End.

II. Becauſe it did not appear neceſſary, at a Time, when ſo few Men were either granted, or indeed demanded for the Service of any one Year, that the Seamen ſhould be treated with ſo much Severity, as not to be paid off, according to the antient Uſage of the Navy, but kept in floating Priſons, as the ſaid Commiſſioners of the Navy, very well expreſs it, eſpecially, ſince we find, That during the late Wars, when forty thouſand Men a Year were granted, this was truly thought by the ſaid Commiſſioners of the Navy, a way rather to provoke the Seamen to deſert, than encourage them to come into, or continue in the Service, and to be the Principal, if not the only Reaſon, why it is become ſo difficult to get them again, when wanted.

III. We thought at this Juncture, when his Majeſty had ſo lately, in a moſt gracious Speech from the Throne, ſignified his having ſo happily eſtabliſhed Peace throughout *Europe*, it would be proper, if ever, to uſe our beſt Endeavours, that the Seamen might partake of the Benefit of our mild and free Government, and not be liable to greater Hardſhips than any of their Fellow-Subjects, as we think they will be, if this Practice be ſuffered to continue.

IV. Becauſe ſuch Methods ought to be uſed, as will moſt contribute to procure the Affections of the Service, which, we think the antient Uſage of the Navy, will in this Caſe beſt effect, by which they will have the Satisfaction to ſpend their Money within the Kingdom, for the Benefit and Support of their Families, as formerly, when the Ships were paid off, at their Return home from

their

their ſeveral Voyages, and will, we hope, prevent their abſconding from, and deſerting the Service, and engage them chearfully to enter into it, whenever there ſhall be Occaſion. Whereas according to the late Practice, by the Opinion of the ſaid Commiſſioners of the Navy, the Difficulty of getting them in the Spring, chiefly ariſes from keeing them all the Winter, and yet the Difficulty of getting them again, is aſſign'd, as the only Reaſon for keeping them in Pay, during the Winter, altho' it amounts to an intollerable Charge upon the Kingdom, it appearing by one of the Papers now upon the Table, that keeping them in Pay all the Winter, comes to near five times as much as raiſing them again in the Spring.

V. We cannot but think it a very unuſual way of arguing in a Houſe of Parliament, That a Queſtion ought not to be put, becauſe it is generally admitted to be true, tho' at the ſame time there may be too much Reaſon to believe, that the Practice complain'd of, will not be altered without the Interpoſition of Parliament.

VI. We cannot conceive, that the Treaty with *Sweden* could make it neceſſary, as was alledged, to keep the Men in Pay all the Winter, ſince it appears by the Papers upon the Table, that very little, or no Time would have been loſt, if the old Method of the Navy of raiſing them in the Spring had been followed, by which, Money would have been ſav'd to the Publick, eſpecially ſince their ſo early Arrival there, did neither prevent Landing the *Czar*'s Troops upon *Sweden* when and where they pleaſed, nor by any Action at Sea, contribute to weaken his Naval Strength.

Laſtly, we take it to be very clear, that if any Neceſſity or ſufficient Reaſon was foreſeen at any time, for the diſpencing with this Rule of the Navy, it ought not to have been done, without his Majeſty's Conſent in Council, it being, as we conceive, a fundamental Maxim in the Government of the Navy, and a moſt eſſential Part of his Majeſty's Royal Prerogative, That no Rule or Eſtabliſhment in the Navy, whether written or unwritten, and cuſtomary, ought to be, or can regularly be abrogated, altered, or diſpens'd with, but by his Majeſty's Conſent in Council, eſpecially in ſo weighty a Point, as ſpending the publick Treaſures ſo much faſter than it need have been, in a Proportion above-mentioned, and therefore we thought it expedient, that the main Queſtion ſhould have been put and voted in the Affirmative, that this great and uſeful Prerogative of the Crown, might, by cenſuring what we take to be a Breach thereof, (tho' with the Temper recommended from the Throne) have been the better preſerv'd for the future.

W. Ebor,	*Compton,*	*Trevor,*	*Aberdeen,*
North and *Grey,*	*Uxbridge,*	*Bathurſt,*	*Maſham,*
Gower,	*Guilford,*	*Cowper,*	*Briſtol,*
Strafford,			

The humble PETITION *of the* London-Clergy *againſt the Quakers Bill.*

Sheweth,

THAT there is a Bill now depending in your Lordſhip's Houſe, entituled, *An Act for granting the People called Quakers, ſuch Forms of Affirmation or Declaration, as may remove the Difficulties which many of them lie under.* Which Bill, ſhould it paſs into a Law, as

as it may, in its Conſequences, nearly affect the Property of the Subject in General, ſo will it in a more eſpecial Manner endanger the legal Maintenance of the Clergy by Tythes: Inaſmuch as the People called Quakers, pretend to deny the Payment of Tythes, upon a Principle of Conſcience; and therefore, as your Petitioners apprehend, may be under ſtrong Inducements to eaſe their Conſcience in that Reſpect, by violating it in another, when their ſimple Affirmation, in behalf of Friends of the ſame perſuaſion, ſhall paſs in all Courts of Juſtice for legal Evidence.

However the Injuries, that your Petitioners, in their private Rights, may poſſibly ſuffer, are as they ought to be, of ſmall Account with them, in Compariſon of the Miſchiefs which may redound to Society from the Indulgence intended; as it ſeems to imply, that Juſtice may be duly Adminiſtred, and Government ſupported, without the Intervention of any ſolemn Appeal to *God, as Witneſs of the Truth of what is ſaid*, by all Perſons in Caſes of great Importence to the common Welfare: Whereas your Petitioners are firmly perſuaded, that an Oath was inſtituted by God himſelf, as the ſureſt Bond of Fidelity among Men, and hath been eſteemed and found ſo to be, by the Wiſdom and Experience of all Nations, in all Ages.

But that which chiefly moves your Petitioners to apply to your Lordſhips, is, their ſerious Concern, leſt the Minds of good Men ſhould be grieved and wounded, and the Enemies of Chriſtianity Triumph, if they ſhall ſee ſuch Condeſcenſions made, by a Chriſtian Legiſlature, to a Sect of Men, who renounce the Divine Inſtitutions of Chriſt, particularly That, by which the Faithful are initated into his Religion, and denominated Chriſtians; and who cannot, on this Account, according to the uniform Judgment and Practice of the Catholick Church, be deem'd worthy of that ſacred Name.

Your Petitioners do moreover crave leave to repreſent to your Lordſhips, That, upon the beſt Information they can gain, the Inſtances wherein any Quaker hath refuſed the ſolemn Affirmation preſcribed by an Act in the ſeventh and eighth of *William* III. have, from the paſſing that Act to this Day, been exceeding rare; ſo that there might be ground to hope, that the continued Uſe of the ſaid ſolemn Affirmation would, by degrees, have cured that People of all thoſe unreaſonable Prejudices againſt an Oath, which the Favour deſign'd them by their Bill may tend to Strengthen and Confirm.

And your Petitioners humbly leave it to your Lordſhips wiſe Deliberation, Whether ſuch an extraordinary Indulgence, granted to a People already (as is conceived) too Numerous, may not contribute to multiply their Sect, and tempt Perſons to profeſs themſelves Quakers in order to be exempted from the Obligation of Oaths, and to ſtand upon a Foot of Privilege, not aollwed to the beſt Chriſtians and Subjects in the Kingdom.

Your Petitioners therefore humbly hope, that theſe, and other Conſiderations which may offer themſelves to your Lorpſhips great Wiſdom, may induce your Lordſhips not to give your Conſent to the paſſing this Bill into a Law.

And your Petitioners ſhall ever pray, &c.

The LORDS PROTEST *on rejecting the ſaid Petition.*

Die Mercurii 17° *Die Januarij*, 1721.

A Motion being made that the ſaid Petition be rejected? After Debate, The Queſtion was put, whether the ſaid Petition ſhall be rejected?

It was reſolved in the Affirmative.

Diſſentent.

I. BECAUSE the Right of Petitioning, in a legal Manner, to legal Purpoſes, does, we apprehend, appertain by Law and Uſage, to the free People of this Realm; and is as eſſential to the Subject, acting within his due Bounds, as the Liberty of Debate is to the Conſtitution of Parliament. And this Right, as it extends to the Petitioning even for the Repeal of Acts now in force, by which the People think themſelves aggrieved; ſo it juſtifies them yet more, in repreſenting their humble Senſe of any new Law, while it is under the Conſideration of Parliament. Nor are the Clergy, we preſume, leſs privileged, in Relation to the Exerciſe of this Right, than any other of his Majeſty's Subjects: On the contrary, we believe them as worthy of enjoying it, and as capable of exerting it to wiſe and good Ends, as any Rank of private Men in the Kingdom.

II. Becauſe the Petition rejected is, in our Opinion, proper and inoffenſive, both as to the Matter and Manner of it: Since it partly relates to the peculiar Rights of the Clergy in point of Tythes, and partly expreſſes their Fears, (as we conceive, not altogether groundleſs) leaſt the Sect of Quakers, already too numerous, ſhould, by this new Indulgence, be greatly multiplied; and leaſt the Honour of Religion ſhould any ways ſuffer, and the Foundations of Government be ſhaken by what is intended; both which it is the particular Duty of their Function to uphold and ſecure. We are not therefore apprehenſive, that it misbecame their Characters to interpoſe on any of theſe important Points: And the way, in which they have done it, muſt ſeem to us free from Exception, till ſome Paſſage in their Petition is piteh'd upon, as obnoxious, and cenſured by the Houſe; which, as yet, hath not been done.

III. Becauſe the Petition ſuggeſts a particular Grievance under which the Clergy will ſuffer by this Act, more than any other Order of Men; which, as it had never been obſerved in the Debates on the Bill, ſo was allowed to deſerve the Conſideration of the Houſe. And therefore, had there been any other part of their Petition leſs unexceptionable (as we happrehend, there is not) yet we do not think, that it was reaſonable to lay aſide the whole, on that Account, and reject what was acknowledg'd fit to be conſidered, for the ſake of what was thought improper to be offered.

IV. Becauſe the Clergy of *London* are not in general ſo liberally provided for, but that they have reaſon to be watchful in Relation to any Step that may unwarily be taken, towards diminiſhing their Maintenance; which we look upon, as not duly proportioned to their Labours, in populous Pariſhes, and to the various Imployments given them by Infidels, and Hereticks, Papiſts, and divers Sects of Men diſſenting from the Church eſtabliſhed by Law, with which this Metropolis is known to abound. And as their Situation gives them near Opportunities of obſerving and knowing what may

may be ſtirred in Parliament, to the Prejudice of their Order; ſo we cannot but think that it becomes them to make uſe of that Advantage, in behalf of their diſtant Brethren, as often as need ſhall require; eſpecially at a Time when the Repreſentatives of the Clergy are not attending in Convocation, and in a Readyneſs to exert their known Right of applying to the Legiſlature on all ſuch Occaſions.

V. Becauſe the *London*-Clergy, from whence the Petition came, are, in our Opinion, and have been always eſteemed, of great Conſideration, with Reſpect to their extenſive Influence, and their Ability to be ſerviceable to the State in important Conjunctures. From this Body of Men have proceeded many of the moſt eminent Lights of the Church, and Ornaments of the Biſhop's Bench, eſpecially ſince the Revolution; and, in the Reign preceding it, their never to be forgotten Labours put a Stop to the Torrent of Popery, then ready to overflow us. On which, and many other Accounts, we cannot but wiſh, that the Applications at any time made to this Houſe by the City-Clergy, might be received with Regard and Tenderneſs; and a more than ordinary Indulgence allowed them, at a Time, when ſo great Favours are about to be beſtowed on the profeſſed Opugners of their Function and Maintenance.

VI. Becauſe by Experience we find, that the treating, in this Manner, a Petition from any great and conſiderable Body of Men, is not the beſt way to allay the Jealouſies, and extinguiſh the Uneaſineſs that occaſioned it; a very contrary Effect having followed (according to the beſt of our Obſervation) from the rejecting a Petition lately offered by the City of *London*. And the oftner ſuch Inſtances are repeated, the more, we fear, the Diſaffection of the People will increaſe, who thinking themſelves under Hardſhips from which they deſire to be relieved, may look upon it as a new, and yet greater Hardſhips, not to be heard. And though the modeſt and dutiful Demeanor of the Clergy ſhould no ways contribute to theſe Conſequences, yet we know not how far this may be the Caſe, with reſpect to their Flocks; to whom their Perſons and Characters are dear, and who may therefore be induced by the Reverence they bear to their Paſtors, to expreſs as much Concern on their Account, as they would on their own. For which Reaſon it was our earneſt Deſire, that this ſecond, and in our Opinion, dangerous Experiment, might not have been made.

W. Ebor.	*Briſtol,*	*Gower,*	*Cowper,*
Weſton,	*Conningsby,*	*Trevor,*	*Aberdeen,*
Uxbridge,	*Strafford,*	*Bingley,*	*Montjoy,*
Scarſdale,	*Foley,*	*St. John de Bletſo*	*Bathurſt,*
Compton,	*North* and *Gray,*	*Guilford,*	*F. Roſſen.*

The LORDS PROTEST *againſt the Quakers Bill.*

Die Veneris 19° *Januarij*, 1721.

Hodie 3a vice lecta eſt Billa, Entituled, *An Act for Granting the People called Quakers, ſuch Forms of Affirmation, and Declaration, as may remove the Difficulties which many of them lye under.*

The Queſtion was put, Whether this Bill ſhall Paſs?

It was reſolved in the Affirmative.

Diſſentient.

W. Cant. Jo. Oxon.

I. BECAUSE the Priviledge allowed by this Bill to the Quakers, are without Example, and no ways proportioned to the Steps formerly taken towards a gradual Indulgence of them. For, whereas they have been hitherto under the real Obligation of an Oath, tho' diſpenced with as to ſome Formalities, with Reſpect to the Manner of wording, and taking it, they are now altogether releaſed both from the Form and Subſtance of an Oath, and admitted to profeſs Fidelity, and give Teſtimony upon their ſimple Affirmation: Nor are theſe great Priviledges indulged to them (as the Leſs were) from time to time, and by degrees, but are at once made Perpetual.

II. Becauſe we look upon the Quakers, who reject the two Sacraments of Chriſt, and are, as far as they ſo do, unworthy of the Name of Chriſtians, to be on that account, unworthy alſo of receiving ſuch diſtinguiſhing Marks of Favour.

III. Becauſe the Quakers, as they renounce the Inſtitutions of Chriſt, ſo have not given even the Evidence by Law required, of their Belief of his Divinity: It no ways appearing to us (nor, do we believe it can be made appear) that ever ſince they were firſt Indulged [1 *W.* and *M.*] one Quaker in an hundred hath Subſcribed *the Profeſſion of Chriſtian Belief* directed by that Act; nor could we, upon a Motion made in the Houſe, prevail, that they ſhould even now be Obliged by ſuch previous Subſcription, to Intitle themſelves to the new and extraordinary Favours deſigned them. The Conſequenc of which muſt, in our Opinion, be, That they will encourage themſelves yet farther in their Averſion to ſubſcribe that Profeſſion of Chriſtian Belief; which they ſeem more to decline than even the taking of an Oath; ſince great Numbers of them have ſworn, tho' very few have Subſcribed that Profeſſion. Nor are we without Apprehenſions, that it may reflect ſome Diſhonour on the Chriſtian Faith, if the Evidence given by ſuch Perſons on their bare Word, ſhall by Law be judged of equal Credit with the ſolemn Oath of an acknowledged Chriſtian, and ſincer Member of the Eſtabliſhed Communion.

IV. Becauſe we look upon it as highly unreaſonable, that, in a Kingdom where the Nobles the Clergy and Commons are obliged to Swear Fealty to the Crown, and even the Sovereign himſelf takes an Oath at his Coronation; a particular Sect of Men, who refuſe to ſerve the State, either as Civil Officers, or Soldiers, ſhould be entirely releaſed from that Obligation: Since 'tis natural to expect, that Perſons thus Indulged, as to the Manner of Profeſſing, and the Meaſure of Performing their Allegiance, ſhould, by Degrees, be induced totally to withdraw it, till they become as bad Subjects as Chriſtians.

V. Becauſe tho' ſuch extraordinary Privileges, are allowed to the

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Sect of Quakers by this Bill, yet there is no Mark or Test, prescribed by it, or by any other Act, by which it may certainly be known; Who are Quakers, and consequently, who are, or are not Intitled to those Privileges. From whence this Inconvenience may arise, that many, not really Quakers, may yet shelter themselves under the Cover of that Name, on purpose to be Released from the Obligations of Oaths; it not being, we conceive, in the Power of the Magistrate, as this Bill stands, to oblige any Person to take an Oath, who, at the time of tendring it, shall profess himself a Quaker: So that the Concession now made to that Sect, may prove a great Inlet to Hypocrisy and Falshood, and will naturally tend towards increasing their Numbers; which, we rather wish, may be every Day diminished.

VI. Because we do not apprehend that the Quakers, as a Sect, are really under such Scruples in Point of an Oath, that it is necessary to ease them by such an Act; few of them having, for five and twenty Years past, since their solemn Affirmation (equivalent to an Oath) was enacted, ever refused to comply with it: And, should this have now and then happen'd, yet, when the great Body of any sort of Sectaries are at Ease in their Consciences, the Scruples of a few, we think, ought not to be regarded; especially, if continuing the Law now in Force will probably extinguish those Scruples, and the Repeal of it will certainly give new Life and Strength to them.

VII. Because the Security of the Subjects Property, which depends upon Testimony, seems to us to be lessened by this Act; the Reverence of an Oath having been always observed to operate farther towards the Discovery of Truth, than any other less solemn Form of Asseverations. Nor can the Quakers be excepted in this Cause; whose awful Apprehensions of an Oath appear, from their earnest Endeavours to decline it. And therefore, where the Payment of Tythes, by them held to be sinful, is concerned, they will have strong Inducements to disguise the Truth, in what they simply affirm, rather than wound their Consciences and Credit, by contributing towards the Support of such an Antichristian Payment. In other Cases of Property, their Interest only will Clash with their Veracity; but the Double Motive of Interest and Conscience, will Influence them with respect to the Clergy; whose Calling, and Maintenance, they equally condemn.

VIII. Because the Inducement, mentioned in the Bill, towards granting the Quakers these favours, That they are well Affected to the Goverment (a Position, of which we have some doubt) might we apprehend, be improved into a Reason for granting like Favours to *Deist*, *Arians*, *Jews*, and even to *Heathens* themselves; all of which may possibly be, as some of them certainly are, Friends to the Government. However their Friendship. We presume, would be Cultivated at too great an Expence, if, for the sake of it, any thing should be done by the Legislature, which might weaken the Security of all Governments, and Oath; and, by that Means do more Mischief to the State, in one Respect, than it brought Advantage in another. And we the rather thus choose to Reason, because an Argument was urged in the Debate, and no ways disallowed, that, if *Heathens* themselves were equally of Use to the State, as the Quakers are, they ought also equally by Law to be Indulged: Whereas our firm Persuasion is, That, as no Man should be persecuted for his Opinions in Religion; so neither should any Man, who is known to avow Principles destructive of Christianity, however useful he may otherwise be to the State, be encouraged by a Law purposely made in his Favour, to continue in those Principles.

W. Ebor.	*Montjoy,*	*St. John de Bletsoe*	*Trevor,*
Fr. Roffen,	*Stafford,*	*Sailsbury,*	*Compton.*
Gower,	*F. Cestriens,*	*Aberdeen,*	

Their

Their LORDSHIPS PROTEST *on rejecting the Queſtion to have the Treaties and Inſtructions, relating to* the Fleets being ſent into the Baltick ſo often, *laid before the Houſe.*

Die Jovis 25o Januarij, 1721.

The Order of the Day (for the Houſe, to be in a Committee, to take into further Conſideration, the Cauſes of Contracting ſo large a Navy-Debt, and the Inſtructions to the ſaid Committee, That they do in the firſt Place conſider of the Occaſion of that Part of the ſaid Debt, which ariſes, from having employ'd more Men in the Sea-Service, in any Year, than were Provided for by Parliament, for ſuch Year, and for the not paying off all the Seamen at Winter) being call'd for.

A Motion was made, and the Queſtion was put, That Authentick Copies of the ſeveral Treaties, Inſtructions and Orders, relating to the *Britiſh* Squadrons being ſent into the *Baltick* for ſeveral Years laſt paſt, be laid before this Houſe, that the true Occaſion of that Part of the Navy-Debt, which the Committee is inſtructed to conſider in the firſt Place, may the better appear; as alſo that the Act of Settlement has not been infringed by thoſe ſeveral Nothern Expeditions? It was Reſolved in the Negative.

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Not Content 60.

Diſſentient.

I. BECAUSE it being now admitted by the Houſe, in the Inſtruction given to the Committee, That the Navy-Debt was encreaſed by employing more Men in the Sea-Service, than were Provided for by Parliament, and by not Paying them off in the Winter; the Intention of the Houſe in that Inſtruction, muſt, in our Opinion, manifeſtly be to direct the Committee, to inquire into the true Occaſion and Reaſonableneſs of thoſe Services, by which the Navy-Debt was encreaſed, and that End could not, we think, be any ways attained, without a Sight of thoſe Treaties, Inſtructions, and Orders, upon which thoſe Services were founded; ſince the conſidering the Occaſion of an extraordinary acknowledged Expence, muſt, We conceive, imply an Inquiry into the true Cauſes, for which, ſuch an Expence was made. We did therefore think it neceſſary, to deſire Copies of the Treaties, Inſtructions, and Orders, relating to the ſeveral *Baltick* Expeditions, becauſe, without them We could not poſſibly learn the true Reaſons of thoſe Expeditions, and it ſeemed to Us incongruous, that the Houſe ſhould direct an Inquiry, and not contribute to it, by directing alſo thoſe Materials to be laid before the Committee, which alone could render ſuch an Inquiry effectual.

II. Becauſe the Want of ſuch Authentick Papers and Inſtruments could no ways, we think, be ſupply'd by any verbal Repreſentations, that might be made by Lords in the Miniſtry, as Fact occurred to their Memory in the Debate, this being no ſufficient Foundation for any Parliamentary Inquiry, much leſs for ſuch an one, as tends to Approve, Excuſe, or Blame the Meaſures of thoſe in Power, ſince we cannot think it ſuitable, either to the Rules, of Reaſon, or the Dignity of Parliament, to proceed to Reſolutions, relating to the

Conduct

Conduct of Miniſters, upon Facts ſtated by the Miniſters themſelves.

III. Becauſe Motions for ſuch Papers and Inſtruments, have been frequently made and comply'd with; nor hath any ſuch Motion ever (as far as we can learn) till of late, been refuſed, the only Paper included in the general Motion, that we thought any ways doubtful whether we ſhould obtain, was the Lord *Cartaret*'s Inſtructions, which was moved for before in this Seſſion, without Succeſs: However, we had Hopes of prevailing, even for a Sight of that Paper, when it became neceſſary, as we apprehend, to Qualify the Committee of the whole Houſe to do the Work appointed by the Houſe.

IV. Becauſe the great Increaſe of the Navy-Debt, aroſe from the frequent ſending of ſtrong Squadrons to the *Baltick*, and continuing them there at Seaſons of the Year, when the *Britiſh* Fleet has ſeldom been known to have been employed, ſo far from Home, and in ſo rugged a Climate; and therefore we thought it reaſonable to expect the fulleſt Satisfaction in our Inquiries into the Grounds of Expeditions, which had been carried on in ſo unuſual, expenſive, and hazardous a Manner, which the more extraordinary they were, the more they needed in every reſpect to be cleared and juſtified, that the Miſapprehenſions prevailing without Doors, in relation to thoſe *Northern* Expeditions, might be rectified, and ſuch Precedents might not remain without the Reaſons on which they were founded: Whereas we are now apprehenſive, that any Reſolutions on this Head, may loſe much of their Weight and Influence, ſhould they be known to have been framed upon Facts barely aſſerted by Miniſters, without Evidence of any ſort, to prove the Truth of thoſe Facts.

V. Becauſe one great View, we had in our Motion for thoſe Papers, was to ſatisfy our ſelves, and others, that the Act of Settlement had been no way infringed by thoſe *Northern* Expeditions; a Point of the utmoſt Conſequence to the preſent Eſtabliſhment, and on which therefore all our Care and Circumſpection ought to be employed: 'Tis the Birth-right of the Peerage, as to concur in the Enacting all Laws, ſo to enquire into the Obſervation of them, and the more Momentous the Law is, the more it becomes us to conſider how far it hath, or hath not been Violated; and one great Inducement to our Enquiry into the Obſervation of that Law, was the Jealouſy entertained (as we conceive) on that Head, by many of his Majeſty's good Subjects, obſerving that the War in the *North*, ended at laſt in a Peace, which ſtripped *Sweden* of all its beſt Provinces, and confirmed the Acquiſition of them to the ſeveral Northern Powers concerned, without any particular Advantage, that we hear of ſtipulated in Behalf of *Great Britain*, beſides that of a new Guaranty for the Proteſtant Succeſſion. A Sight of the ſaid Treaties, Inſtructions and Orders, might perhaps have diſpell'd theſe Apprehenſions, and therefore we thought it our Duty to move for them, and to expreſs our Concern, that ſuch a Motion was overruled; for we cannot think the Argument uſed to diſcourage Us from inſiſting on that Motion, [*That it amounted to an Enquiry, Whether the King had broke his Coronation Oath*] was conſiſtent with the Freedom of Parliament, or agreeable to the known Rules of our Conſtitution, which free the Crown from all Blame, and ſuppoſe Thoſe only, who give pernicious Counſels; anſwerable for the fatal Effects of them.

W. Ebor.	*Uxbridge,*	*Boyle,*	*Aberdeen,*
Cowper,	*Bingley,*	*F. Roſſen,*	*Foley,*
Trevor,	*Strafford,*	*Bathurſt,*	*St. John de Bletſoe*
North and *Grey,*	*Briſtol,*	*Scarſdale,*	*Montjoy.*
Weſton,	*Aylesford,*	*Gower,*	
Compton,	*Guilford,*	*F. Ceſtrien,*	

Their

Their LORDSHIPS PROTEST *againſt the Reſolution of the Committee, relating to the great Increaſe of the Navy-Debts*

Die Jovis 25° Januarij, 1721.

Then the Houſe (according to Order) was Adjurn'd, during Pleaſure, and put into the ſaid Committee. And after ſome Time ſpent therein, The Houſe was reſumed, and the Earl of *Clarendon* Reported from the Committee, That they had come to two Reſolutions, which he was directed to Report, when the Houſe will pleaſe to receive the ſame.

ORDER'D,

That the Report be now received.

His Lordſhip accordingly Reported the following Reſolution. *viz.*

That it is the Opinion of this Committee, That the Employing great Numbers of Seamen, for ſeveral Years laſt paſt, more than were provided for by Parliament, and thereby increaſing the Debt of the Navy, was occaſioned by Services, which either were purſuant to the previour Advice, or had the ſubſequent Approbation of one or both Houſes of Parliament, and which were alſo neceſſary for the Safety of the Kingdom, and the tranquility of *Europe*.

That it is the Opinion of this Committee, That the Nature of the ſaid Services neceſſarily requiring ſome of his Majeſty's Squardrons to be kept out the whole Year, and detaining others Abroad, 'till the Months of *November* or *December*, and it being requiſite to fit out the ſaid Squadrons in the Month of *February*, or the Beginning of *March*, in Order to their Sailing early in the Spring, the Paying them off upon their Return, was inconſiſtent with the due Performance of thoſe Services, nor could the ſaving, (if any) by ſuch Payment, have in any Degree made Amends for the ill Conſequences, which muſt thereby have ariſen from the Diſappointment to the Service.

Which Reſolutions were Read by the Clerk. And the firſt Reſolution being read a ſecond Time, The Queſtion was put, Whether to agree with the Committee in this Reſolution? It was Reſolved in the Affirmative.

Diſſentient.

I. BECAUSE this Reſolution ſeems to claſh with the Inſtruction from whence it ſprung, which was to conſider the Occaſion of the Increaſe of the Navy-Debt that aroſe from employing more Men in the Sea Service than were provided for by Parliament: Whereas from the Reſolution, it appears only, that the Services occaſioned the Debt, not what real Occaſion or Reaſon there was for thoſe Services, which yet was the Point we ſuppoſe chiefly in View, and moſt worthy a Parliamentary Enquiry.

II. Becauſe thoſe Services are in this Reſolution ſuppoſed to be juſtified by the previous Advice, or ſubſequent Approbation of one or both Houſes of Parliament. Whereas it did not any ways appear to Us, that either Houſe of Parliament had previouſly adviſed, or ſubquently approv'd ſuch Services, tho' the Vouchers in that Reſpect were often and earneſtly required: Nor doth it appear to Us, how that Aſſertion is warranted, either by general Expreſſions in Votes and Addreſſes, or by a State of the Navy-Debt Communicated every Year to the Parliament, and therefore, being ſtill in the Dark, as to the Evidence pointed at, We could wiſh, that the Growth of the Navy-Debt had been explained and juſtified by an Enquiry into the Ends and Reaſons for which it was contracted. But this Way

not

not being taken, nor being poſſible to be taken, 'till the Treaties, Inſtructions, and Orders requiſite to this Purpoſe where produced. We know not in what Senſe, either thoſe Sea Services, or that great Navy-Debt they cauſed, may be ſaid to have been approved by this or the other Houſe of Parliament.

III. Becauſe had we been duly inform'd of the true Motives, upon which thoſe Services were undertaken, and thereby enabled to judge of their Reaſonableneſs (as we think we in no Degree were) yet, ſtill we muſt be of Opinion, that thoſe Conſiderations, how important ſoever, would not have juſtified the exceeding the Number of Men ask'd of, and allowed by Parliament, which nothing but abſolute and unforeſeen Neceſſity can ever execute: Whereas the Occaſion of theſe extraordinary Expences were foreſeen; and the Fleets were ſent out for many Years ſucceſſively, ſitting the Parliament, without any previous Demands, made of ſuch Supplies, as were proportioned to the Expence intended; and we are further of Opinion, that whenever ſuch a Debt is unavoidably incurred, it ſhould be ſpeedily ſtated to the Parliament, together with the Neceſſity that occaſioned it, at their next aſſembling, that the Excuſe may be then either allowed, or cenſured, and the Exceedings provided for in Time, inſtead of being ſuffered to run on for many Years together, 'till an inſupportable Debt is contracted, without any other Notice taken of the Reaſons of its Growth, than the laying annually a general State of the Debt on the Table of the Houſe of Commons. This we conceive to have been the Caſe; and if it be, do not Err, we think, in affirming, That had the Services appear'd to have been neceſſary, yet this Manner of encreaſing the Debt, would not have been warranted.

IV. Neither can we comprehend how the Safety of the Kingdom depended upon thoſe extraordinary Services, ſome of which were perform'd in the *Mediterranean*, others in the *Baltick*, againſt Powers not at Enmity with *Great Britain*, whoſe Friendſhip, (it ſeems to Us) we ſhould rather have cultivated, and whoſe Reſentments we had, and ſtill have (we fear) Reaſon to apprehend. We cannot but think it the true Inteteſt of *Great Britain*, to intermeddle, as little as poſſible, in the Quarrels of *Europe*, and then, by our good Offices, chiefly without declaring any Reſolution to ſupport our Mediation by Force, or making our ſelves either Principals or Parties in Wars that do not immediately concern Us. We look upon our Navy (the natural Security of our Iſland) as too much hazarded, and ſome chief Branches of our Trade, as highly endangered by the Conſequences of thoſe remote Expeditions: Nor are we yet ſatisfied, that the Peace by us mediated, and concluded in the *North*, hath not made the Proviſion of Naval Stores for our Fleet, more precarious than formerly, tho' on that ſingle Article, the Safety of the Kingdom may poſſibly depend. Nor can we judge the preſent Tranquility likely to laſt, ſince after all our Expence, the late *Northern* Peace hath reduc'd *Sweden* ſo low, and left the *Czar* in Poſſeſſion of ſuch Provinces, as may render him very formidable; and what Matters may ſtill remain unadjuſted in Treaties, whereby the preſent Tranquility may ſoon be diſturbed, we cannot determine, ſince we have not been indulged in our Deſire of inſpecting thoſe Treaties.

W. Ebor.
Cowper,
Trevor.
North and *Grey,*
Weſton,
Compton,
Uxbridge,
Strafford,
Briſtol,
Aylesford,
Guilford,

Boyle,
F. Roſſen,
Bathurſt,
Scarſdale,
Gower,
F. Ceſtrien,
Aberdeen,
Foley,
St. *John de Bletſoe*
Bingley,

Their LORDSHIPS PROTEST *againſt the Reſolutions of the Committee, touching the not Paying off the Seamen, as they return from their Voyages.*

Die Jovis 25° Januarij, 1721

The other Reſolution being read a ſecond Time, the Queſtion was put, Whether to agree with the Committee in this Reſolution? It was Reſolved in the Affirmative.

Diſſentient.

I. BECAUSE that part of the Queſtion, which concerns ſuch of his Majeſty's Ships, as are ſaid, but not proved, to have been neceſſarily kept out the whole Year, has not the leaſt Relation, as we conceive, to any thing that has been yet objected to, which was, the not paying Ships that came home before Winter, and ought, by the antient Uſage of the Navy, to have been paid off, and therefore, we cannot but think, was very improperly made part of the Queſtion.

II. Becauſe it being admitted in the Queſtion, that the antient Uſage of the Navy, was, That all Ships, when they return home from their ſeveral Voyages, ſhould not be kept in Pay, during the Winter (as was the Caſe of the late *Baltick* Squadrons, for ſome Years paſt) and it not having been made appear, (as we think) in a Parliamentary way, That by any Treaty with *Sweden* it was neceſſary to ſend Ships ſooner in any Year, than might have been conſiſtent with the ſaid antient Uſage, we are of Opinion, That the Reſolution will encourage the Practice complained of, and will greatly contribute to make Fleets, (ſo much the Honour and Security of this Kingdom) too chargeable to be ſupported.

III. Becauſe we cannot but be ſurprized, there ſhould be the leaſt Doubt, as in the Queſtion, whether any Money might have been ſaved, by paying off the Men, when it appears by a Paper upon the Table, That ſeveral Ships Companies, amounting to many Thouſands of Men, have been kept in Pay, during the Winter; which Expence we cannot but think, ought to have been avoided, it appearing from other Papers and Repreſentations upon the Table, That by paying the Men off, more than five Parts in ſix of the whole Charge of thoſe Men, during the Winter, had been ſaved to the Publick.

IV. Becauſe a Reſolution of this Houſe, that ſeems to Countenance a Practice of this Sort, (at a Time, when every Way of getting Money, at the Expence of the Publick, does not ſeem to be leſs in Peoples Thoughts than formerly) may probably encourage thoſe, who ſhall have Opportunity in future Times, too readily to contribute towards the Encreaſe of Navy-Debts, tho' they are attended with ſo many ill Conſequences, that his Majeſty in a moſt gracious Speech from the Throne, has very lately been pleaſed to ſay, They do not only affect all publick Credit, but greatly increaſe the Charge and Expence of the current Service, and are, of all others, the moſt heavy and burthenſome.

W. Ebor.	*Compton,*	*Guilford,*	*Gower,*
Cowper,	*Uxbridge,*	*Boyle,*	*F. Ceſtrien,*
Trevor,	*Strafford,*	*F. Roſſen,*	*Aberdeen,*
North and *Grey,*	*Briſtol,*	*Bathurſt,*	*Foley,*
Weſton,	*Aylesford,*	*Scarſdale,*	*St. John de Bletſoe.*

Their

Their LORDES PROTEST *on rejecting the Queſtion, about Victualling his Majeſty's Ships by other hands than Victuallers.*

Die Jovis, Februarij, 1. 1721.

A Motion was made, and the Queſtion was put, That the Victualling His Majeſty's Ships by any other, than the Victuallers appointed for that Service, or their Agents, is contrary to the courſe of the Navy, and by taking away the proper Cheques, is one great Cauſe of contracting ſo large a Navy-Debt?

It was Reſolved in the Negative.

Diſſentient.

I. BECAUSE it being, unqueſtionably, the antient Courſe of the Navy to Victual all His Majeſty's Ships above ſixth Rates, by the Commiſſioners of the Victualling or their Agents, unleſs in caſe of Neceſſity, and it appearing to Us, by a Paper returned before this Houſe, from the Victualling-Office, that many Ships, and Squardrons of Ships, have been of late Years Victualled by the Commanders, very few of which were ſo Victualled by any Order; and amongſt thoſe many Inſtances, a few only were excuſed, becauſe there being no Agents for the Victualling-Office, nor any Stores in the Places where the Ships then were; We think it reaſonable to conclude, that all the ſeveral Victuallings in the ſaid Paper contained, being much the greater Number, which were neither excus'd therein, nor ſaid to be Ordered, were ſo provided without any Order or Excuſe whatſoever, and, conſequently, were a needleſs Breach of the ſaid good Courſe of the Navy; and by taking away the proper Cheque made to ſave the Publick Money, muſt, in our Opinion, neceſſarily have been one of the Occaſions of the Increaſe of the Navy-Debt.

II. We cannot but obſerve, that if the ſaid Excuſe had (in the Paper abovementioned been applied to all the ſeveral Inſtances there, of Victualling, in a manner, contrary to the courſe of the Navy, yet it had been inſufficient, ſince it is not alledged, that Agents for the Victualling, and Stores might not have been timely had in the Places where the Ships were Victualled, if due Notice had been given to the Commiſſioners of the Victualling, and proper Precautions and Endeavours had been uſed to that End.

III. We cannot but think, that carring this Queſtion in the Negative, will, undoubtely, encourage this Breach of the courſe of the Navy, as it is acknowledged to be, and, in conſequence, put it into the Power of every Admiral, or Commander in Chief of any Squadron, and every Commander of a particular Ship, not only to furniſh ſuch Proviſions both in Quantity and Quality, as they ſhall think fit, but by letting the Men go on Shore, when in Port, on Pretence of ſupplying Proviſions, leave a Charge on the Publick for want of the proper Cheque, tho' to the Deteriment of the Sea-Service.

IV. Becauſe by this Leave given to the Commanders on the Head of the Victualling, they have it in their Power (though the want of the ſaid true and Ancient Cheque) to bring a very great Charge upon the Head of Wages, which muſt undoubtedly, as we apprehend, Occaſion a great waſte of the Publick Treaſure, and, conſequently, an Increaſe of the Navy-Debt.

 V. Becauſe

V. Becauſe we think, that to ſuppoſe the Commander of any Squadron or Ship, will not, when it is ſo intirely in his Power, do what ſhall be for his Intereſt, is to believe him leſs inclined to his Intereſt, than the generality of his Fellow-Subjects on Shore.

VI. Becauſe, we believe, this Houſe will not Diſcourage taking away proper Cheques, 'till Proof had, (as urged in the Debate) of what had been got by Individuals, for want of thoſe Cheques; the Delay and Difficulties attending ſuch an Inquiry, will, probably, hinder any Diſcouragement being given to ſuch Practices, which are allowed to be contrary to the ſtanding Inſtructions to the Commiſſioners of the Victualling, and to the Commanders of his Majeſty's Ships.

W. Ebor.	*Scarſdale,*	*Uxbridge,*	*Cowper,*
Litchfield,	*Bingley,*	*Bathurſt,*	*St. John de Bletſoe.*
North and *Grey,*	*Briſtol,*	*Strafford,*	
Trevor,	*Boyle,*	*Guilford,*	
Compton	*Aylesford,*	*Craven,*	

Their LORDSHIPS PROTEST *on rejecting, the Motion* to adjourn, *the day that the Lord* Chancellor *came not to the Houſe till three in the Afternoon.*

Die Sabbati 30 *Februarij,* 1721.

A Motion was made to adjourn. The Queſtion was put, Whether this Houſe ſhall be now adjourn'd 'till *Monday* Morning next, Eleven a-Clock. It was Reſolved in the Negative.

Content 31.
Not Content 49.

Diſſentient.

I. BECAUSE the Houſe ſtanding adjourn'd to the Day at Eleven a-Clock, and a great Number of Lords being met, and expecting the coming of their Speaker till near Three a Clock; they ſeemed to Us generally to reſent this Uſage, and without any Diſſent, as we could perceive, proceeded, according to the ſtanding Order of the Houſe, towards chuſing a Speaker, but meeting with ſome Difficulties as to the Perſons nominated, the Lord Chancellor came, before any Choice was made, and, as ſoon as the Houſe was ſate, the Lord Chancellor alledged, as the Reaſon of his long abſence, that he had been ſummoned to attend His Majeſty at St. *James's*, where the Buſineſs had laſted much longer than was expected, which Excuſe, tho' it might, in great meaſure, free the Lord Chancellor form the Imputation of willful Neglect of Duty, yet ſeems, to Us, in no degree to juſtify the Indignity, which, We think, was, upon the whole Matter, done to the Houſe, which is undoubtedly the greateſt Council in the Kingdom, to which all other Councils ought to give way, and not that to any other; and therefore the Buſineſs of any other Council ought not to have detained the Speaker of this Houſe, after the Hour appointed for its Meeting; and during the Time of the Day, the Houſe has uſually, of late, ſpent in Buſineſs, and therefore, we thought, the leaſt Reſentment the Houſe could ſhew, on this Occaſion, to prevent its being uſed ſo for the future, was to adjourn without entring on any Buſineſs, and this the rather, becauſe We foreſaw it could not obſtruct any Publick Affairs, ſince the Time was ſo far ſpent, as that no Buſineſs of Con-

Conſequence could well have been gone thro' with Effect, tho' entred upon.

As we may venture to ſay, That the Dignity of this Houſe has not been, of late Years, encreaſed, ſo we were unwilling, that any thing, we conceive to be a groſs Neglect of it, ſhould paſs without ſome Note on our Records, that we were ſenſible of ſuch Neglect, and did not approve it, which, we thought, would have been, in ſome meaſure, attained by an immediate Adjournment. Nor was any other Method propoſed, and, ſince that could not be effected, we enter this Diſſent with our Reaſons, that it may appear to Poſterity, we were zealous to withſtand, in the Manner propoſed, the further Progreſs of a Practice, ſo injurious, as we conceive, to the Honour and Authority of this Supreme Council.

Somerſet,	*Boyle,*	*Cowper,*	*Bathurſt,*
W. Ebor,	*Aſhburnham,*	*Scarſdale,*	*Maynard,*
Uxbridge,	*Oſburne,*	*North* and *Grey,*	*F. Ceſtriens,*
Montjoy,	*Strafford,*	*Compton,*	*Craven,*
Weſton,	*Guilford,*	*Bingley,*	*Aberdeen,*
Litchfield,	*Foley,*	*Briſtol,*	St. *John de Bletſoe*

Their LORDSHIPS PROTEST, *on rejecting a Bill for better ſecuring the Freedom of Elections.*

Die Martis 13o *Februarij*, 1721.

Hodie 2 vice lecta eſt Billa. An Act for the better ſecuring the Freedom of Elections of Members to ſerve for the Commons in Parliament

And a Motion being made, That the ſaid Bill be committed, and the ſame being objected to. After Debate, the Queſtion was put, Whether the ſaid Bill ſhall be committed? It was reſolved in the Negative. Then the Queſtion was put, Whether the ſaid Bill ſhall be rejected? It was reſolved in the Affirmative.

Diſſentient. Somerſet.

I. BECAUSE the Methods of Corruption, made uſe of in Elections, and now grown to an Heighth beyond the Example of preceding Times, are, of all others, the greateſt Blemiſh to our Conſtitution, and muſt, if not remedied, prove fatal to it, and did therefore chiefly deſerve, (as they can only admit) of a Parliamentary Cure.

II. Becauſe the Commons, who are beſt qualified to judge of the growth of this Evil, and to point out proper Remedies for it, having ſent up a Bill, complaining of the one, and deſiring our Aſſiſtance in the other: It was not, we apprehend, ſuitable to the Dignity and Wiſdom of this Houſe, to reject ſuch a Bill, without entring into a free Diſcuſſion of the Particulars of which it conſiſted, and thereby to give an Handle for Reflections without Doors, as if we had ſhewn a leſs Degree of Zeal againſt the Corruptions complained of, than thoſe from whoſe Elections they ſprung: our Opinion is, That we ſhould rather have taken this favourable Opportunity of joining our Endeavours, with theirs, towards the Cure of this Evil, than have made our ſelves liable to Objections, for refuſing to attempt it, even after ſuch an encouraging Step taken by the Houſe of Commons.

III. Becauſe

III. Becauſe a Law againſt Corruption, tho' always deſirable, is yet particularly ſeaſonable and neceſſary, at ſuch a Juncture as this, when new Elections of Members are coming on, and the Parliament for which they ſhall, by what Method ſoever be choſen, may continue for ſeven Years. And we think the Lords are the more concerned to obviate the ill Conſequences of ſuch a Choice, becauſe the *Septennial Act* which made ſo remarkable a Change in our Conſtitution, had its riſe from this Houſe.

IV. Becauſe we are perſuaded, that by the Terror of the Penalties contained in this Bill, which were to have operated, ſoon after it paſſed into a Law, a mighty Check would have been given to the Growth of Corruption, tho' it ſhould not have been abſolutely cured. And we are confirmed in this Opinion, by what we have heard, and believe, that while the Bill was depending in Parliament, and the Fate of it unknown, the infamous Practices at which it was levell'd, were, in ſome meaſure, ſuſpended; and ſhould a further Stop have been put to Corruption and Bribery, at the approaching Elections, by the paſſing this Bill, ſuch a Degree of Succeſs, might have given the Legiſlature hopes of entire ſuppreſſing of it.

V. Suppoſing this Bill to have been defective in ſome Reſpects, and not well adjuſted in others, to the End deſign'd (a Suppoſition, but not admitted by us; but yet the true way of ſupplying theſe Defects, and making all proper Alterations, would have been by committing the Bill, and not by rejecting it. In other Caſes, where a Bill of publick Concern is laid aſide by the Houſe, they can eaſily make amends for that Loſs, by bringing in a new one, which may more effectually anſwer the good Ends propoſed: whereas, in this Caſe, neither is there time ſufficient for repeating the Attempt, nor can any Bill of this kind be ever begun in this Houſe, with any reaſonable Proſpect of Succeſs.

VI. Becauſe the Intention of many chief Clauſes in the Bill, is to provide for the more effectual Execution of Laws already made, to ſecure the Freedom of Elections, but hitherto evaded for want of ſuch Proviſions. And we know not that any Argument hath been, or can be uſed againſt paſſing ſuch parts of this Bill into a Law, but what may, with equal or greater Strength, be urged for repealing thoſe Laws, which yet are held ſacred and inviolable.

VII. Becauſe ſeveral Oaths are, by Laws now in being, required to qualify Electors, and the Oaths enjoined by this Bill, are intended only to ſtrengthen the Obligations, under which ſuch Electors do, by the known Rules of our Conſtitution, already lie: Nor are theſe Oaths attended with any new Hardſhip or Difficulty, ſince they relate only to plain Matters of Fact, which are certainly known by the Electors themſelves: And which they will be ready to atteſt with all Solemnity, if they are conſcious of their own Innocency in point of Corruption: And if they are not, the legal Puniſhment of Perjury, to which they are ſubjected, is light in Compariſon of the heighnous Nature of their Offence, and the miſchievous Conſequences of it.

VIII. Becauſe that part of the Bill which forbids the iſſuing of publick Money towards influencing Elections, relates to a Method of Corruption, which, of all others, ought the moſt carefully to be guarded againſt, and yet was admitted, in the Debate, to have been frequently practic'd. And therefore we cannot but wiſh, that this Bill had paſſed into a Law for the ſake of that Clauſe, which would have hindred what was given for the Security of the Subjects Rights, and the Safety of the Kingdom, from being ever employed to the Deſtruction of both: an Example, if thus ſet, by

Men

Men in high Offices and Stations, cannot fail of ſpreading its Influence, though all Ranks and Orders of Men, and procuring Impunity and Applauſe for ſuch Practices, as all true Lovers of their Country muſt Wiſh, might be Univerſally deteſted and puniſhed.

IX. Becauſe We cannot underſtand how the Objection made to this Bill, [*That it removes Foundations*] can, with any Colour of Reaſon, be ſupported. On the contrary, We think that the whole Deſign of it, is to recover our Old Conſtitution, and re-ſettle it on thoſe firm Foundations, from which it has been removed ever ſince Bribery has been made an uſual Inlet to Parliament. And that dangerous Traffick has been carried on between the Electors and the Elected, which has undermined the Virtuous Principles, and may prove fatal to the Liberties of the Free People of this Realm.

X. Becauſe another Argument inſiſted on, in Prejudice of the Bill, [*that it would give the Houſe of Commons a greater Latitude in deciding diſputed Elections*] ſeems to us to be equally groundleſs, for the Penalties intended to be Enacted by this Bill, are to take Place only upon Proſecutions in the Ordinary Courts of Juſtice, and cannot come under the Cognizance, or be inflicted by the Authority of the Houſe of Commons, nor can the Courts below be checked in their Proceedings on this Head, by the Determinations of that Houſe, with which the Methods of Puniſhing Corruption, preſcrib'd by this Act, do not in the leaſt interfere: What therefore was alledged in the Debate, can by no means be allowed, that while the Commons are the ſole Judges of Elections, 'tis in vain to think the reſtraining the Corruption of Electors, ſince the Method here preſcribed, are ſuch, as either Operate on the Conſcience, or will in the Common Courſe of Law, executed themſelves, and tho' they may be forewarded, yet cannot be fruſtrated by the Intervention of an Houſe of Commons.

XI. Becauſe as the paſſing this Bill, would have been attended with no Inconveniencies to the Publick, ſo great Miſchiefs may, we apprehend, enſue upon the Rejecting it: The Honour of this Houſe may ſuffer on that Account, and Corruption of all Sorts, will, we fear, receive new Light and Encouragement, it being a Matter of daily, and certain Obſervation; That whenever a Bill is brought into Parliament to Redreſs any great Diſorders in the State, any Diſcountenance given to ſuch Bill, will always Countenance and Increaſe ſuch Diſorders, and make them leſs capable of Remedy in ſucceeding Times, eſpecially when it ſhall be Affirmed in the Debate, That all Bills of this kind, do more Miſchief than Good; which Way of Reaſoning, ſhould it prevail, would effectually prevent all future Attempts towards curing this Great Evil, and preſerving the Conſtitution of Parliaments.

Strafford.	*Bathurſt,*	*Ayleſford,*	*Tadcaſter,*
North and *Grey,*	*Kent.*	*Compton,*	*Montjoy,*
Litchfield,	*Scarſdale,*	*Trevor,*	*Boyle,*
Maynard,	*Briſtol,*	*F. Roſſen,*	*Maſham,*
Uxbridge,	*Craven,*	*Salisbury,*	*Bingley,*
Weſton,	*F. Ceſtrien,*	*Guilford,*	*Aberdeen.*
Foley,			

Their LORDSHIPS PROTEST *againſt Expunging the Reaſons of the foregoing* PROTEST.

Die Lunæ, 19° *Februarij*, 1721.

The Order of the Day was Read, for taking into Conſideration, the Proteſtation entered in the Journal of this Houſe, the 13th of this Inſtant *February*. And the ſeveral Reaſons for the ſaid Proteſtation being Read, After Debate, The Queſtion was put, Whether the entire Entry of the Reaſons for the ſaid Proteſtation on the 13th Inſtant, ſhall be Expunged? It was reſolved in the Affirmative.

Content 55.
Not Contents 22.

Diſſentient.

I. BECAUSE we are of Oppinion. That the Reaſons Expunged, were both as to the Matter and Form of them, agreeable to Precedents in former Parliaments, ſtill remaining on the Journals uncenſured by the Houſe.

II. Becauſe we were very deſirous, that the Arguments contained in thoſe Reaſons againſt Bribery and Corruption in Elections; and our Zeal for obtaining ſuch Remedies as were propoſed by the Commons themſelves, might appear to Poſterity, as fully and particularly as poſſible.

III. Becauſe as the Practice of Expunging Reaſons is not Ancient, ſo the Method taken upon this Occaſion of Expunging many Reaſons of various kinds, by one General Queſtion, is, we conceive, unreaſonable in it ſelf, and is Countenanced but by one Precedent on our Books.

W. Ebor.	*Strafford,*	*Briſtol.*	*Litchfield,*
Cowper,	*Aylesford,*	*North* and *Grey,*	*F. Ceſtrien,*
Maynard,	*Weſton,*	*Guilford,*	*Boyle,*
Aſhburnham,	*F. Roffen,*	*Foley.*	*Bathurſt,*
Compton,	*Monjoy,*	*Bingley,*	*Aberdeen.*
Uxbridge,			

Their LORDSHIPS PROTEST *againſt putting off the farther Conſideration of the Navy-Debts for Three Weeks.*

Die Lunæ 19° *Februarij*, 1721.

The Order of the Day for the Houſe to be in a Committee again, to take into further Conſideration the Cauſes of Contracting ſo large a Navy-Debt, being Read, A Motion was made, That the Houſe be put into the ſaid Committee, on this Day Three Weeks. After Debate, The Queſtion was put, That the Houſe be put into a Committee

Committee again, to take into further Conſideration, the Cauſes of Contracting ſo large a Navy-Debt, on this Day Three Weeks?

It was Reſolved in the Affirmative.

Diſſentient.

I. BECAUSE the putting off the further Conſideration of the Cauſes the Navy-Debt, to ſo diſtant a Day, after ſo long an Adjournment of the ſame Matter already had, is, as we conceive, not only a Diſcouragement and Delay, but as the Seſſion may happen to end, will totally prevent (at leaſt during this Seſſion that Enquiry, which, as we apprehend, would greatly have tended to the Publick Good, in hindring ſo large a Navy-Debt from being Contracted for the Future.

II. Altho' the ſaid Enquiry hath been a great while depending, Yet, a very few Days only, it appears by the Journal, have been allowed for it, and one of thoſe was employed in Reviewing two Queſtions, which were at firſt kept from being put by Previous Queſtions, and therefore we conceive a few Days more ought not to have been denied for the looking into a Matter of ſo very great Importance to the Publick.

III. We apprehend, That all Matters properly brought before either Houſe of Parliament eſpecially Enquiries into Miſmanagements of the Publick Buſineſs, ought, if the Time will allow it, to be freely and fully diſcuſſed, and determined one Way or other, and ought not to be kept off from coming to any Determination, by one long Adjournment after another, 'till the Seſſion be ended.

IV. Becauſe it was alledged in the Debate, as a Reaſon againſt ſo long an Adjournment, That the Subject Mater of the Enquiry was not near exhauſted, that the Points already conſidered and determined, had no Relation to thoſe propoſed to be conſidered in the further Enquiry, and conſequently the Determination of the former, could in no degree prejudice the latter, or make the going upon them needleſs or improper, and to evince this, ſeveral of the Particulars deſigned to have been proceeded upon, were ſpecified. As,

That it appeared by Extracts of ſeveral Letters on the Table, eſpecially by a Lettet from the Navy-Board, Dated 13th *Feb.* 1701, That the Practice of turning over Companies, or Part of Companies, from one Ship to another, without their Officers, was a Charge to the Crown, by confounding Accounts and otherwiſe, as well as diſguſtful to the Seamen.

That by other Papers before the Houſe, it appeared, That ſeveral Squadrons have gone out of late, without Muſter-Maſters, whoſe Office and Duty it is to detect Frauds in Pay, and on the Head of Victualling.

That in the Year 1720, 2201 Men were employed in the Yards, more than in the Year 1714, and 2627 Men more than in the Year 1698, and that the Wages of thoſe Men have of late, been greatly increaſed, both which, for ought appeared to Us, are an unaccountable Increaſe of that Charge to the Publick.

That ſince the Year 1714, many new Captains and Liuetenants had been made, while great Numbers have been kept in Half Pay, and unimployed, beſides thoſe created on Vacancies, which happened while the Ships were abroad, and by that means an unneceſſary Charge has been continued on the Publick, and the Elder Officers diſobliged.

That without any Order or Eſtabliſhment, by his Majeſty in Council, Pay has been allowed contrary to the Uſage of the Navy, to Flag-Officers at Home, during the Winter, on Pretence of their making a Journey or two, to ſee their Squadrons equipeed.

That without ſuch Order or Eſtabliſhment of his Majeſty in Council, Captains and Commanders of ſmall Numbers of Ships, have been paid as Rear Admirals, on Pretence of having Captains under them, and in but one Inſtance that we could obſerve a Reaſon given, why they had Captains under them, unleſs it was to colour their having ſuch Pay.

And we are well aſſured, that on further Enquiry, it will appear,

That new Lieutenants have been made Abroad, and old ones fit to ſerve, ſent Home, to be put in Half-Pay.

That Flags have been paid in double or trebble Capacities.

That Flags and other Officers have been paid, as in higher Stations than thoſe they ſerved in.

That two or three Flags of the ſame ſort have been paid at the ſame Time.

That Retroſpections of Pay have been allowed to Flags and other Officers.

All which being againſt the Ancient Oeconomy of the Navy, and waſtful of the Publick Treaſure, we think, ſhould have been enquired into without Loſs of Time.

Theſe Miſmanagements, as we take them to be, and others might have appeared on further Conſideration of this Matter, Contributing, as we apprehend, to waſte the Publick Treaſure, muſt neceſſarily have been, in a Great Degee, an Occaſion of contracting ſo large a Navy-Debt, and therefore we are of Opinion, that one or more further Days, which would probably have fallen within this Seſſion, ſhould have been appointed for the taking them into Conſideration, which not being done, we the rather enter this Proteſt, with our Reaſons, as what we hope may give an Occaſion to the reſuming the Thoughts of this Matter, in another Seſſion of Parliament.

W. Ebor.	*Boyle,*	*Compton,*
Montjoy,	*F. Ceſtrien,*	*Bathurſt,*
F. Roſſen,	*Aberdeen,*	*Cowper,*
Aſhburnham,	*Bingley,*	*Foley,*
Uxbridge,	*Briſtol,*	*Ayleſford,*
Strafford,	*North* and *Grey,*	*Guilford.*

Their LORDSHIPS PROTEST *on rejecting the Queſtion relating to the Increaſe of Publick Debts, and on rejecting the previous Queſtion relating to this Point, viz.* Whether leſſening the Publick Debt be not neceſſary to publick Credit.

Die Martis 20° Februarij, 1721.

The Order of the Day, for taking into Conſideration the State of the National Debt being Read, A Motion was made, and the Queſtion was put, That it appears by the State of the Publick Debt, before this Houſe, That the ſame (excluſive of the Debt of the Navy) is encreaſed between the 31ſt of *December*, 1717, and 31ſt of *December*, 1720,

1720, at leaſt the Sum of 2,300,000 *l.* notwithſtanding that the ſinking Fund hath produced within that Time 1,910,385 *l.* 14 *s.* 6 *d.* 3 *q.*

It way Reſolved in the Negative.

Content 23.

Not Content 50.

Diſſentent.

BECAUSE the Queſtion conſiſted wholly of Matters of Fact, which were exactly agreeable to a Paper laid before this Houſe by the proper Officers, on the Addreſs of this Houſe; and as it is not reaſonably to be preſumed, that the Officers of the Crown would State the Debt higher than it really was, ſo we cannot but think, nothing was alledged in the Debate, that made it appear, the Debt was leſs than ſtated in the Queſtion, but on the Contrary, had the exact Quantum of the Debt been material to have been enquired into, on this Occaſion, it was evident to Us, even from a Memorandum at the Bottom of the ſame Paper, that the Debt was in reality, much higher the 31ſt of *December*, 1720, than ſtated in the Queſtion.

W. Ebor.	*F. Roſſen,*	*Bathurſt,*	*North* and *Grey,*
Gower,	*Strafford,*	*Beyle,*	*Foley,*
Weſton,	*F. Ceſtrien,*	*Briſtol,*	*Uxbridge,*
Guilford,	*Montjoy,*	*Aberdeen,*	*Litchfield.*
Aſhburnham,			

Then a Motion was made, That the leſſening the Publick Debt Annually, and by all proper Methods, is neceſſary to the Reſtoring and Preſerving the Publick Credit. And a Queſtion being ſtated thereupon, After Debate, the Previous Queſtion was put, Whether the ſaid Queſtion ſhall be now put?

It was Reſolved in the Negative.

Diſſentient.

I. BECAUSE, as the main Queſtion is undeniably true, and ſeems to us to be ſo, by its being prevented to be put by the Previous Queſtion, ſo We think it would have been highly Expedient, and uſeful to the Publick, to have had it put and Voted in the Affirmative, that by the declar'd Opinion of this Houſe (which muſt always be of the greateſt Authority) thoſe who are more immediately concern'd to take Care of the Publick Credit, might not rely on vain and deceitful Projects, for Reſtoring and Preſerving the Credit of the Nation, but apply themſelves ſeriouſly and diligently to bring about the only effectual Means of doing it.

II. Altho' ſo clear an evident a Truth as is contain'd in the main Queſtion, cannot, when propoſed, but obtain the Conſent of all, eſpecially of ſuch as are Qualified to be in great Stations, yet at this Juncture, when the Publick is under ſo great Neceſſities, from the unexampled Preſſure of Debts, and when all other Remedies, hitherto Attempted, have proved ineffectual, if not miſchievous, We cannot but conceive it was extremely proper, and muſt have greatly conduced to the Reſtoring and Preſerving the Publick-Credit, to have quicken'd the Endeavours for that Purpoſe, of all in the Publick Service, by ſo high an Authority, as a Reſolution of this Houſe, not only pointing out to them the Way they ſhould take towards that Good End, but intimating alſo that as far as is poſſible to be attended,

attained, the doing ſo would be expected from them, and therefore we conceive the main Queſtion would have been put and Voted, (as we think it muſt have been, had it been put in the Affirmative.

W. Ebor,	*Aſhburnham,*	*Bathurſt,*	*North* and *Grey,*
Cowper,	*F. Roſſen,*	*Boyle,*	*Foley,*
Weſton,	*Strafford,*	*Briſtol,*	*Uxbridge,*
Guilford,	*Fr. Ceſtrien,*	*Aberdeen,*	*Litchfield.*

The five laſt PROTESTS *entered in the Journals of the* HOUSE *of* LORDS.

The LORDSHIPS PROTEST *againſt an Act to prevent clandeſtine Running of Goods.*

Die Veneris 20 *Martij.*

Hodie 3. *Vice Lecta eſt Billa,* Entitled, *An Act to prevent the Clandeſtine Running of Goods,* &c.

The Queſtion was put, Whether this Bill ſhall paſs?

It was reſolved in the Affirmative.

Diſſentient.

I. BECAUSE we are very ſenſible of the ill Conſequences that attend the pernicious Practice of running Goods, and therefore wiſh ſome reaſonable, proper, and effectual Method (which we do not take this Bill to be) might have been ſet on Foot to prevent it.

II. Becauſe the making the Alteration by a former Bill, from Ships of fifteen Tuns, to thoſe of thirty, has not proved to any Advantage, as we apprehend, ſince it has been admitted, that the Cuſtoms have fallen ſince; and we find no Ground to hope, that the farther raiſing this Prohibition to Ships of forty Tuns, as is done by this Bill, will be effectual; but we think there is Reaſon to fear, that it may be a great Prejudice to the Coaſting Trade in particular, ſince the Owners of ſuch Veſſels are thereby ſubjected to the heavy Penalty of loſing their Ships, when poſſibly they may be entirely innocent themſelves, and the Fault may be committed only thro' the Folly and Knavery of the Sailors; which will diſcourage the lending ſmall Veſſels to thoſe who trade in them, by which a great part of the Coaſt Trade is at preſent carried on.

III. Becauſe the Penalty of Baniſhment in the Bill ſeems, in ſome Caſes, to be annexed to a very ſmall Offence, we do not think it too great for any one, who ſhall be taken with Goods of any conſiderable Value, and with a manifeſt Intent to defraud his Majeſty of his Cuſtoms; but as the Bill is worded, it will, as we conceive, extend to any Gentleman, if armed, returning from his Travels, who has about him, knowingly, the leaſt Trifle, that has not been entered and paid Duty, tho' he has not the leaſt Deſign to defraud the King of his Cuſtoms, or thinks he is tranſgreſſing any Law whatſoever; and we do not think

think fit to depend that ſo ſevere a Law may not, in ſuch hard Caſes, be ſometimes executed with Rigour.

IV. Becauſe it was endeavoured, but without Succeſs, at the Committee, to have excepted the Barges of Noblemen, and of the *Lord Mayor*, and Companies of the City of *London*, which cannot be ſuppoſed to be uſed (and the great Bargers of State belonging to the City cannot be uſed) in the Running of Goods; and therefore we conceive, the making it neceſſary for the Noblemen, or the *Lord Mayor*, and Companies to apply to the Admiralty for a Licence, to uſe their own Barges on the River of *Thames*, or lay aſide the uſe of them for want of ſuch Licences, which cannot be obtained, without giving ſuch a Security as will bind and incumber the real Eſtates of the Obligors, to be not only a great and unneceſſary Indignity, but alſo an Invaſion of Property, eſpecially in the Caſe of the Barges belonging to the City of *London*, which City has an antient Right to the Conſervation of the River of *Thames*, and as high an Intereſt in it as is poſſible to be had in any Navigable River; and therefore we think it abſurd, as well as injurious, ſo proper to compel the great Officers and Companies of the City to ask and give Security for a Licence to navigate or paſs on that part of the *Thames*, which may not improperly be called their own River.

V. It ſeems to us partial and unjuſt, that the Prohibition of Barges and other Veſſels, deſcribed in the Bill, ſhould be confined only to the Counties for that Purpoſe named in the Bill, and not to other Maritime Counties, eſpecially ſuch as are moſt infamous for running Goods, where tho' the Veſſels deſcribed may not as yet be ſo much in uſe as in the Counties named, yet will undoubtedly be more uſed in other Counties not named, when they can no longer be kept in the Counties or Places the Bill extends to: And we conceive Laws ſhould not make a Diſtinction, where there is no Difference in Reaſon, on a Dependance that it may be ſupplied by a new Law another Opportunity.

VI. Becauſe the Time allowed by the Bill, (*viz.*) to the 25th of this Inſtant *March*, either to diſpoſe of the Barges and other prohibited Veſſels, or obtain Licences for the keeping them, is much too ſhort, as we conceive, and will prove the Occaſion of more Hardſhips being done, than can poſſibly be foreſeen.

Scarſdale,	*Montjoy*,	*Bathurſt*,	*Fr. Roſſen*,
Strafford,	*Foley*,	*Weſton*,	*Craven*,
Briſtol,	*Maſham*,	*Uxbridge*,	*Gower*,
Aberdeen,	*St. John de Bletſoe*	*Compton*.	*Litchfield*.
Boyle,	*Guilford*,	*North* and *Grey*,	

Their LORDSHIPS PROTEST *againſt the Motion for making the Order relating to Proteſts a Standing Order.*

Die Saturn. 3 *Martij*, 1721.

The Houſe proceeded to take into Conſideration the Motion for making the Order in Relation to Proteſtations a ſtanding Order, ſo altered, as to require them to be entered before two a Clock the ſitting Day, and the ſubſcribing thereof before the riſing of the Houſe ſuch Day.

The

The Queſtion was put, Whether the ſaid Order, as alter'd, ſhall be made a ſtanding Order, and entered on the Roll.

It was reſolved in the Affirmative.

Diſſentient.

I. FOR that the ſtanding Order, in Relation to the Time of entring Proteſtations, was made above eighty Years ſince, and was reſtrictive of an antient Right; and yet in all that Time, till now, has never been thought not to have reſtrained that Right enough; but on the contrary, whenever longer time than is allowed by that Order has been ask'd, as it has been done in innumerable Inſtances, it was never once denied (as we believe;) which ſhews, that the conſtant Opinion of this Houſe has hitherto been, that the Reſtraint brought upon that antient Right of the Lords, by that old Order, has been rather too much, than too little.

II. The abridging of the Right of proteſting with Reaſons yet more, will neceſſarily cauſe the Reaſons to be penn'd with leſs Accuracy, and probably longer than they would have been, had more Time been allowed; which though it may gratify thoſe who differ in Opinion from the Proteſtors, yet will hurt the Honour of the Houſe, as we conceive, and the Dignity of the Records thereof: For we can by no means allow, that as much Time ſhould not be afforded to word the Lord's Reaſons, which are to be entered on the Journal, as would be neceſſary to the wording of a Pamphlet deſign'd to be printed and publiſhed.

III. Becauſe we conceive, that if this further Reſtraint does not render the Proteſting quite impracticable, yet it muſt prove very incommodious and troubleſome to the Lords, who would make uſe of that their undoubted Right; for if a Debate ſhould take up any long time, as moſt Debates of Conſequence ſhould do, the intermediate time allowed, is in our Opinion, not ſufficient for Lords, who deſign to Proteſt, to meet and bring their ſeveral Reaſons together, and afterwards expreſs them with that Clearneſs, and ſo unexceptionably as they ought to do, and beſides, get them fairly and correctly entered on the Journal; ſo that in our Opinion, they muſt very often either be excluded from entring and ſigning their Reaſons, or endure a great deal of Hardſhip and Inconvenience, by denying themſelves uſual Reſt aud Refreſhment (as is very obvious without further Explanation) and be obliged to come long before their ordinary Duty of attending the Buſineſs of the Houſe requires, ſo that we conceive this new Reſtraint will either hinder the Proteſting with Reaſons, or amount to a kind of Puniſhment on thoſe Lords, who ſhall make uſe of their antient and undoubted Rights of Proteſting,

IV, There ſeems to us leſs Reaſon for this Step, becauſe if the Liberty of entring Proteſtations with Reaſons be in any Degree abuſed, the Houſe can and does order them, or ſuch parts of them, as can be reaſonably objected to be expunged: And this Obſervation is yet ſtronger, for that of late Precedents have been made of expunging a great Number of Reaſons, and of a various Nature by one general Queſtion, which is a very expeditious Remedy for any Abuſe that can happen.

V. If ever there ſhould be a Time when the utmoſt Candour and Fairneſs is leſs in uſe than at preſent, this new Reſtriction on the Right of Proteſting with Reaſons, may open a Gap to many Artifices and unfair Practices in prejudice of that Right. Clerks may come later than uſual, pretend other Buſineſs, or write ſlower, or uſe other Shifts, to avoid perfecting the Entry of the Journal, till after the time allowed, eſpecially if they ſhall think,

tho'

tho' falſly, they gratify a Majority of the Houſe by ſo doing; which will make them at leaſt hope for Impunity, or if not ſo diſpoſed, they may be on the other Hand induc'd, and not unreaſonably, to write faſter, and more looſly than will become the Journal of this Houſe, that the Entry may be finiſh'd within the Time limitted. We do not pretend to enumerate all the ways of making this Alteration of the old ſtandiug Order more inconvenient than appears at firſt Sight, but only ſpecify theſe few.

VI. We do not think the Right of entring Proteſtations with Reaſons has been of late abuſed, ſo as to give Occaſion for this new Reſtriction, though it may have been uſed of late more frequently than formerly; for which, according to our Opinions, there hath been very proper Occaſions given, and ſince we cannot but think the Right of Proteſting with Reaſons a valuable and uſeful Privilege, we muſt confeſs our Fears, leſt theſe Reſtrictions, though not now intended ſo, ſhould end at length in a total Extinction of that Right.

W. Ebor.	*Cowper,*	*Boyle,*	*F. Roſſen,*
F. Ceſtriens,	*St. John de Bletſoe,*	*Aberdeen,*	*Weſton,*
Uxbridge,	*Strafford,*	*Litchfield,*	*Foley,*
Bathurſt,	*Briſtol,*	*North* and *Grey,*	*Trevor,*

Their LORDSHIPS PROTEST *againſt expunging any part of their Proteſtation relating to the Navy-Debt.*

Die Sat. 30. *Martij,* 1721.

The Houſe according to order proceeded to take into Conſideration the Proteſtation againſt putting off the further Enquiry into the Cauſes of contracting ſo large a Navy-Debt.

And the Queſtion was put, whether all that is contained in the ſaid Proteſtation after the Word (Specified) in the 10th Line of the fourth Reaſon, ſhall be expunged.

It was reſolved in the Affirmative.

Diſſentient.

I. BECAUSE when we were giving Reaſons againſt putting off the further Conſideration of the Cauſes of the Navy-Debt, by long Adjournments, probably for the whole Seſſion, as we thought no Reaſon could be more proper, than that the Subject Matter of that Enquiry was not exhauſted but that very material Buſineſs remained to be conſidered on that Head, ſo we did, and do yet conceive, that the following that general Aſſertion, with an Enumeration of the particular Matters which yet did remain to be enquired into, as well ſuch as aroſe from Papers already before the Houſe, as other, which we were well aſſured would ariſe in the further Progreſs of that Buſineſs (from Papers deſigned to be called for) did make the ſaid General Argument which ſtands unexceptionable, more ſtrong, as well as more fair and caddid, by ſhewing it was well founded on particulars: And altho' the Houſe has not thought fit to print the ſaid Enumeraon of Particulars to ſtand on the Journal, yet we conceive we have attained this Advantage by having entred them, that it cannot be objected to us, that we generally affirmed more Buſineſs of Conſequence

quence remained for that Committee to do, without being able to inſtance or ſpecify what in particular.

The ſame Lords as ſubſcrib'd the other.

Their LORDSHIPS PROTEST *againſt Expunging the Reaſons for the Proteſtation on the* 20th *of* February *laſt.*

Die Saturn. 30 *Martij.*

Then the Reaſon for the Proteſtation entered the 20th of *February* laſt, on Conſideration of the State of the National Debt being read: And

The Queſtion being put, whether the Reaſons entered for the ſaid Proteſtations ſhall be expunged.

It was reſolved in the Affirmative.

Diſſentient.

BECAUSE there is no Inſtance of Expunging the Reaſons of a Proteſt, unleſs they were thought to contain ſomething indecent to the Houſe, or alledged Matter of Facts that were falſe The firſt is not preſumed in the preſent Caſe, and as to the ſecond, the Matter depending upon Figures, there can be no Diſpute, but upon the Method of Calculation, and if the Lords, who ſign'd the Proteſt, did chooſe to follow the Method obſerved by the Officers of the *Exchequer*, rather than any other, we do not conceive their Reaſons founded on ſuch Authority deſerved to be expunged, neither do we think the ſaid Lords were oblig'd to make Deductions from the *Exchequer* Accompt, which was laid before the Houſe without making the proper Additions at the ſame time. For it muſt be agreed, that if the Debt Stated in 1717, was but 47 Millions, 800000*l.* and in the Year 1720, about 50 Millions, the bringing the Annuities into the *South-Sea* Company, may occaſion an Increaſe of about two Millions and a halfe, and the Army Debentures, not yet brought to Accompt, are Eſtimated at about half a Million more, and the Debt of the Navy is near two Millions: So the whole appears to be about 55 Millions, and the Increaſe of the National Debt ſince it was Stated in 1717, might therefore be reckon'd about Seven Millions, and deducting the Million of *Exchequer* Bills lent to the ſaid Company, the real Increaſe of the National Debt, above what it was Stated at in the Year 1717, appear to Us at this Time about ſix Millions. But as the Reaſons were founded on the Accompt laid before the Houſe, which kept in the Million of *Exchequer* Bills as a Debt, and excluded all the other Artirles, we conceive they ought not to have been Expunged, ſince the Under-reckoning the Debt was not the Objection made againſt them.

The ſame Lords Subſcrib'd as before.

Their

Their LORDSHIPS PROTEST *againſt Expunging the Reaſons for the Proteſtation on the* 17th *of* January *laſt.*

Die Lunæ 30 *Martij.*

The Order was Read for taking into Conſideration the Proteſtation Enter'd in the Journal of this Houſe the 17th of January laſt.

And the ſeveral Reaſons for the ſaid Proteſtation being read. After Debate, The Queſtion was put, whether the entire Entry of the Reaſons for the ſaid Proteſtation on the 17th of January laſt ſhall be Expunged.

It was Reſolv'd in the Affirmative.

Diſſentient.

BECAUSE former Reaſons enter'd againſt ſome late Reſolutions for Expunging, do as we conceive, equally extend to Juſtify our Diſſent to this Reſolution, and therefore to avoid Repetition, we refer to thoſe Reaſons, with this further, that we do not find, and believe there is not any Precedent wherein Reaſons for a Proteſtation have been taken into Conſideration by the Houſe, ſo long after they were enter'd, as in the Preſent Caſe; and the Inconveniencies of doing ſo, are in our Opinion very Manifeſt.

Strafford.	*Guilford,*	*Montjoy,*	*Fr. Ceſtriens,*
Craven,	*Bathurſt,*	St *John de Bletſoe,*	*Cowper,*
North and *Grey,*	*Boyle,*	*Foley,*	*Fr. Roſſen.*
Uxbridge,	*Litchfield,*	*Aberdeen,*	

FINIS.

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